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103D CONGRESS
1ST SESSION

S. 1284

To amend the Developmental Disabilities Assistance and Bill of Rights Act to expand or modify certain provisions relating to programs for individuals with developmental disabilities, Federal assistance for priority area activities for individuals with developmental disabilities, protection and advocacy of individual rights, university affiliated programs, and projects of national significance, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 23 (legislative day, JUNE 30), 1993

Mr. HARKIN (for himself, Mr. DURENBERGER, Mr. KENNEDY, Mr. JEFFORDS, Mr. METZENBAUM, Mr. SIMON, Mr. WELLSTONE, and Mr. WOFFORD) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

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A BILL

To amend the Developmental Disabilities Assistance and Bill of Rights Act to expand or modify certain provisions relating to programs for individuals with developmental disabilities, Federal assistance for priority area activities for individuals with developmental disabilities, protection and advocacy of individual rights, university affiliated programs, and projects of national significance, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 "Developmental Disabilities Assistance and Bill of Rights
4 Act Amendments of 1993".

5 (b) TABLE OF CONTENTS.—The table of contents is
6 as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References.

TITLE I—GENERAL PROVISIONS

Sec. 101. Title and part headings.
Sec. 102. Findings and purposes.
Sec. 103. Definitions.
Sec. 104. Federal share.
Sec. 105. Records and audits.
Sec. 106. Recovery.
Sec. 107. State control of operations.
Sec. 108. Reports.
Sec. 109. Responsibilities of the Secretary.
Sec. 110. Employment of handicapped individuals.
Sec. 111. Rights of the developmentally disabled.

TITLE II—FEDERAL ASSISTANCE FOR PRIORITY AREA ACTIVITIES FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES

Sec. 201. Part heading.
Sec. 202. Purpose.
Sec. 203. State plans.
Sec. 204. Habilitation plans.
Sec. 205. Councils.
Sec. 206. State allotments.
Sec. 207. Federal share and non-Federal share.
Sec. 208. Payments to the States for planning, administration, and services.
Sec. 209. Withholding of payments for planning, administration, and services.
Sec. 210. Nonduplication.
Sec. 211. Appeals by States.
Sec. 212. Authorization of appropriations.
Sec. 213. Review, analysis, and report.

TITLE III—PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS

Sec. 301. Part heading.
Sec. 302. Purpose.
Sec. 303. System required.
Sec. 304. Authorization of appropriations.

TITLE IV—UNIVERSITY AFFILIATED PROGRAMS

Sec. 401. Part heading.

Sec. 402. Purpose.
Sec. 403. Grant authority.
Sec. 404. Applications.
Sec. 405. Grant awards.
Sec. 406. Authorization of appropriations and definition.

TITLE V—PROJECTS OF NATIONAL SIGNIFICANCE

Sec. 501. Part heading.
Sec. 502. Purpose.
Sec. 503. Grant authority.
Sec. 504. Authorization of appropriations.

SEC. 2. REFERENCES.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.).

TITLE I—GENERAL PROVISIONS

SEC. 101. TITLE AND PART HEADINGS.

(a) TITLE.—The heading of title I of the Act is amended to read as follows:

"TITLE I—PROGRAMS FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES".

(b) PART.—The heading of part A of title I of the Act is amended to read as follows:

1 **"PART A—GENERAL PROVISIONS".**

2 **SEC. 102. FINDINGS AND PURPOSES.**

3 Section 101 (42 U.S.C. 6000) is amended to read as
4 follows:

5 **"SEC. 101. FINDINGS, PURPOSES, AND POLICY.**

6 "(a) FINDINGS.—The Congress finds that—

7 "(1) in 1993 there are more than 3,000,000
8 individuals with developmental disabilities in the
9 United States;

10 "(2) disability is a natural part of the human
11 experience and in no way diminishes the right of in-
12 dividuals with developmental disabilities to live inde-
13 pendently, enjoy self-determination, make choices,
14 contribute to society, and experience full integration
15 and inclusion in the economic, political, social, cul-
16 tural, and educational mainstream of American soci-
17 ety;

18 "(3) individuals with developmental disabilities
19 continually encounter various forms of discrimina-
20 tion in such critical areas as employment, housing,
21 public accommodations, education, transportation,
22 communication, recreation, institutionalization,
23 health services, voting, and public services;

24 "(4) there is a lack of public awareness of the
25 capabilities and competencies of individuals with de-
26 velopmental disabilities;

"(5) individuals whose disabilities occur during their developmental period frequently have severe disabilities that are likely to continue indefinitely;

"(6) individuals with developmental disabilities and their families often require specialized lifelong assistance, provided in a coordinated and culturally competent manner by many agencies, professionals, advocates, community representatives, and others to eliminate barriers and to meet the needs of such individuals and their families;

"(7) a substantial portion of individuals with developmental disabilities and their families do not have access to appropriate support and services from generic and specialized service systems and remain unserved or underserved;

"(8) family members, friends, and members of the community can play a central role in enhancing the lives of individuals with developmental disabilities, especially when the family and community are provided with the necessary services and supports; and

"(9) the goals of the Nation properly include the goal of providing individuals with developmental disabilities with the opportunities and support to—

"(A) make informed choices and decisions;

"(B) live in homes and communities in which such individuals can exercise their full rights and responsibilities as citizens;

"(C) pursue meaningful and productive lives;

"(D) contribute to their family, community, State, and Nation;

"(E) have interdependent friendships and relationships with others; and

"(F) achieve full integration and inclusion in society.

"(b) PURPOSE.—The purpose of this Act is to assure that individuals with developmental disabilities and their families have access to culturally competent services, supports, and other assistance and opportunities that promote independence, productivity, and integration and inclusion into the community, through—

"(1) support to State Developmental Disabilities Councils in each State to promote, through systemic change, capacity building, and advocacy, a consumer and family-centered, comprehensive system, and a coordinated array of services, supports, and other assistance for individuals with developmental disabilities and their families;

1 "(2) support to protection and advocacy sys-
2 tems in each State to protect the legal and human
3 rights of individuals with developmental disabilities;
4 "(3) support to university affiliated programs
5 to provide interdisciplinary preservice preparation of
6 students and fellows, community service activities,
7 and the dissemination of information and research
8 findings; and
9 "(4) support to national initiatives to collect
10 necessary data, provide technical assistance to State
11 Developmental Disabilities Councils, protection, and
12 advocacy systems and university affiliated programs,
13 and support other nationally significant activities.
14 "(c) POLICY.—It is the policy of the United States
15 that all programs, projects, and activities receiving assist-
16 ance under this Act shall be carried out in a manner con-
17 sistent with the principles that—
18 "(1) individuals with developmental disabilities,
19 including those with the most severe developmental
20 disabilities, are capable of achieving independence,
21 productivity, and integration and inclusion into the
22 community, and the provision of services, supports
23 and other assistance can improve such individuals'
24 ability to achieve independence, productivity, and in-
25 tegration and inclusion;

1 "(2) individuals with developmental disabilities
2 and their families are the primary decisionmakers
3 regarding the services and supports such individuals
4 and their families receive and play decisionmaking
5 roles in policies and programs that affect the lives
6 of such individuals and their families;
7 "(3) individuals with developmental disabilities
8 and their families have competencies, capabilities
9 and personal goals that should be recognized, sup-
10 ported, and encouraged;
11 "(4) services, supports, and other assistance are
12 provided in a manner that demonstrates respect for
13 individual dignity, personal preferences, and cultural
14 differences;
15 "(5) communities accept and support individ-
16 uals with developmental disabilities and are enriched
17 by the full and active participation and the contribu-
18 tions by individuals with developmental disabilities
19 and their families; and
20 "(6) individuals with developmental disabilities
21 have opportunities and the necessary support to be
22 included in community life, have interdependent re-
23 lationships, live in homes and communities, and
24 make contributions to their families, community,
25 State, and Nation.".

1 **SEC. 103. DEFINITIONS.**

2 Section 102 (42 U.S.C. 6001) is amended to read as
3 follows:

4 **"SEC. 102. DEFINITIONS.**

5 "For purposes of this title:

6 "(1) AMERICAN INDIAN CONSORTIUM.—The
7 term 'American Indian Consortium' means any con-
8 federation of two or more recognized American In-
9 dian tribes, created through the official action of
10 each participating tribe, that has a combined total
11 resident population of 150,000 enrolled tribal mem-
12 bers and a contiguous territory of Indian lands in
13 two or more States.

14 "(2) ASSISTIVE TECHNOLOGY DEVICE.—The
15 term 'assistive technology device' means any item,
16 piece of equipment, or product system, whether ac-
17 quired commercially, modified or customized, that is
18 used to increase, maintain, or improve functional ca-
19 pabilities of individuals with developmental disabil-
20 ities.

21 "(3) ASSISTIVE TECHNOLOGY SERVICE.—The
22 term 'assistive technology service' means any service
23 that directly assists an individual with a developmen-
24 tal disability in the selection, acquisition, or use, of
25 an assistive technology device. Such term includes—

1 "(A) the evaluation of the needs of an indi-
2 vidual with a developmental disability, including
3 a functional evaluation of such individual in
4 such individual's customary environment;
5 "(B) purchasing, leasing, or otherwise pro-
6 viding for the acquisition of assistive technology
7 devices by an individual with a developmental
8 disability;
9 "(C) selecting, designing, fitting, customiz-
10 ing, adapting, applying, maintaining, repairing
11 or replacing assistive technology devices;
12 "(D) coordinating and using other thera-
13 pies, interventions, or services with assistive
14 technology devices, such as those associated
15 with existing education and rehabilitation plans
16 and programs;
17 "(E) training or technical assistance for an
18 individual with a developmental disability, or,
19 where appropriate, the family of an individual
20 with a developmental disability; and
21 "(F) training or technical assistance for
22 professionals (including individuals providing
23 education and rehabilitation services), employ-
24 ers, or other individuals who provide services to,
25 employ, or are otherwise substantially involved

1 in the major life functions of, an individual with
2 developmental disabilities.
3 "(4) CHILD DEVELOPMENT ACTIVITIES.—The
4 term 'child development activities' means such prior-
5 ity area activities as will assist in the prevention,
6 identification, and alleviation of developmental dis-
7 abilities in children, including early intervention
8 services.
9 "(5) COMMUNITY LIVING ACTIVITIES.—The
10 term 'community living activities' means such prior-
11 ity area activities as will assist individuals with de-
12 velopmental disabilities to obtain and receive the
13 supports needed to live in their family home or a
14 home of their own with individuals of their choice
15 and to develop supports in the community.
16 "(6) COMMUNITY SUPPORTS.—The term 'com-
17 munity supports' means activities, services, supports,
18 and other assistance designed to—
19 "(A) assist neighborhoods and commu-
20 nities to be more responsive to the needs of in-
21 dividuals with developmental disabilities and
22 their families;
23 "(B) develop local networks that can pro-
24 vide informal support; and

1 "(C) make communities accessible and en-
2 able communities to offer their resources and
3 opportunities to individuals with developmental
4 disabilities and their families.
5 Such term includes community education, personal
6 assistance services, vehicular and home modifica-
7 tions, support at work, and transportation.
8 "(7) DEVELOPMENTAL DISABILITY.—The term
9 'developmental disability' means a severe, chronic
10 disability of an individual 5 years of age or older
11 that—
12 "(A) is attributable to a mental or physical
13 impairment or combination of mental and phys-
14 ical impairments;
15 "(B) is manifested before the individual at-
16 tains age 22;
17 "(C) is likely to continue indefinitely;
18 "(D) results in substantial functional limi-
19 tations in three or more of the following areas
20 of major life activity—
21 "(i) self-care;
22 "(ii) receptive and expressive lan-
23 guage;
24 "(iii) learning;
25 "(iv) mobility;

"(v) self-direction;

"(vi) capacity for independent living; and

"(vii) economic self-sufficiency; and

"(E) reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic services, supports, or other assistance that are of lifelong or extended duration and are individually planned and coordinated,

except that such term, when applied to infants and young children means individuals from birth to age 5, inclusive, who have substantial developmental delay or specific congenital or acquired conditions with a high probability of resulting in developmental disabilities if services are not provided.

"(8) EARLY INTERVENTION SERVICES.—The term 'early intervention services' means services provided to infants, toddlers, young children, and their families to—

"(A) enhance the development of infants, toddlers, and young children with disabilities and to minimize their potential for developmental delay; and

1 "(B) enhance the capacity of families to
2 meet the special needs of their infants, toddlers,
3 and young children.
4 "(9) EMPLOYMENT ACTIVITIES.—The term
5 'employment activities' means such priority area ac-
6 tivities as will increase the independence, productiv-
7 ity, and integration and inclusion into the commu-
8 nity of individuals with developmental disabilities in
9 work settings.
10 "(10) FAMILY SUPPORT SERVICE.—The term
11 'family support service' means services, supports,
12 and other assistance provided to families with mem-
13 bers with developmental disabilities, that are de-
14 signed to—
15 "(A) strengthen the family's role as pri-
16 mary caregiver;
17 "(B) prevent inappropriate out-of-the-home
18 placement and maintain family unity; and
19 "(C) reunite families with members who
20 have been placed out of the home.
21 Such term includes respite care, rehabilitation tech-
22 nology, personal assistance services, parent training
23 and counseling, support for elderly parents, vehicu-
24 lar and home modifications, and assistance with ex-

1 traordinary expenses associated with the needs of in-
2 dividuals with developmental disabilities.
3 "(11) FEDERAL PRIORITY AREAS.—The term
4 'Federal priority areas' means community living ac-
5 tivities, employment activities, child development ac-
6 tivities, and system coordination and community
7 education activities.
8 "(12) INDEPENDENCE.—The term 'independ-
9 ence' means the extent to which individuals with de-
10 velopmental disabilities exert control and choice over
11 their own lives.
12 "(13) INDIVIDUAL SUPPORTS.—The term 'indi-
13 vidual supports' means services, supports, and other
14 assistance that enable an individual with a devel-
15 opmental disability to be independent, productive, in-
16 tegrated, and included into such individual's commu-
17 nity, and that are designed to—
18 "(A) enable such individual to control such
19 individual's environment, permitting the most
20 independent life possible;
21 "(B) prevent placement into a more re-
22 strictive living arrangement than is necessary;
23 and
24 "(C) enable such individual to live, learn,
25 work, and enjoy life in the community.

1 Such term includes personal assistance services, re-
2 habilitation technology, vehicular and home modi-
3 fications, support at work, and transportation.
4 "(14) INTEGRATION AND INCLUSION.—The
5 term 'integration and inclusion', with respect to indi-
6 viduals with developmental disabilities, means—
7 "(A) the use by individuals with devel-
8 opmental disabilities of the same community re-
9 sources that are used by and available to other
10 citizens;
11 "(B) living in homes close to community
12 resources, with regular contact with citizens
13 without disabilities in their communities;
14 "(C) the full and active participation by in-
15 dividuals with developmental disabilities in the
16 same community activities and types of employ-
17 ment as citizens without disabilities, and utili-
18 zation of the same community resources as citi-
19 zens without disabilities, living, learning, work-
20 ing, and enjoying life in regular contact with
21 citizens without disabilities; and
22 "(D) having friendships and relationships
23 with individuals and families of their own
24 choosing.

1 "(15) NONPROFIT.—The term 'nonprofit'
2 means an agency, institution, or organization that is
3 owned or operated by one or more corporations or
4 associations, no part of the net earnings of which in-
5 ures, or may lawfully inure, to the benefit of any pri-
6 vate shareholder or individual.

7 "(16) OTHER ORGANIZATIONS.—The term
8 'other organizations' means those organizations that
9 are not State agencies or nonprofit agencies, except
10 such organizations may be consulting firms, inde-
11 pendent proprietary businesses and providers, and
12 local community groups not organizationally incor-
13 porated, and that are interested in supporting indi-
14 viduals with developmental disabilities.

15 "(17) PERSONAL ASSISTANCE SERVICES.—The
16 term 'personal assistance services' means a range of
17 services, provided by one or more individuals, de-
18 signed to assist an individual with a disability to
19 perform daily living activities on or off a job that
20 such individual would typically perform if such indi-
21 vidual did not have a disability. Such services shall
22 be designed to increase such individual's control in
23 life and ability to perform everyday activities on or
24 off such job.

1 "(18) PREVENTION.—The term 'prevention'
2 means activities that address the causes of devel-
3 opmental disabilities and the exacerbation of func-
4 tional limitations, such as activities that—
5 "(A) eliminate or reduce the factors that
6 cause or predispose individuals to developmental
7 disabilities or that increase the prevalence of
8 developmental disabilities;
9 "(B) increase the early identification of ex-
10 isting problems to eliminate circumstances that
11 create or increase functional limitations; and
12 "(C) mitigate against the effects of devel-
13 opmental disabilities throughout the individual's
14 lifespan.
15 "(19) PRODUCTIVITY.—The term 'productivity'
16 means—
17 "(A) engagement in income-producing
18 work that is measured by increased income, im-
19 proved employment status, or job advancement;
20 or
21 "(B) engagement in work that contributes
22 to a household or community.
23 "(20) PROTECTION AND ADVOCACY SYSTEM.—
24 The term 'protection and advocacy system' means a

1 protection and advocacy system established in ac-
2 cordance with section 142.
3 "(21) REHABILITATION TECHNOLOGY.—The
4 term 'rehabilitation technology' means the system-
5 atic application of technologies, engineering meth-
6 odologies, or scientific principles to meet the needs
7 of, and address the barriers confronted by, individ-
8 uals with developmental disabilities in areas that in-
9 clude education, rehabilitation, employment, trans-
10 portation, independent living, and recreation. Such
11 term includes rehabilitation engineering, assistive
12 technology devices, and assistive technology services.
13 "(22) SECRETARY.—The term 'Secretary'
14 means the Secretary of Health and Human Services.
15 "(23) SERVICE COORDINATION ACTIVITIES.—
16 The term 'service coordination activities' (also re-
17 ferred to as 'case management activities') means ac-
18 tivities that assist and enable individuals with devel-
19 opmental disabilities and their families to access
20 services, supports and other assistance, and
21 includes—
22 "(A) the provision of information to indi-
23 viduals with developmental disabilities and their
24 families about the availability of services, sup-
25 ports, and other assistance;

1 "(B) assistance in obtaining appropriate
2 services, supports, and other assistance, which
3 may include facilitating and organizing such as-
4 sistance;
5 "(C) coordination and monitoring of serv-
6 ices, supports, and other assistance provided
7 singly or in combination to individuals with de-
8 velopmental disabilities and their families to en-
9 sure accessibility, continuity, and accountability
10 of such assistance; and
11 "(D) follow-along services that ensure,
12 through a continuing relationship, that the
13 changing needs of individuals with developmen-
14 tal disabilities and their families are recognized
15 and appropriately met.
16 "(24) STATE.—The term 'State' includes, in
17 addition to each of the several States of the United
18 States, the District of Columbia, the Commonwealth
19 of Puerto Rico, the United States Virgin Islands,
20 Guam, American Samoa, the Commonwealth of the
21 Northern Mariana Islands, and the Republic of
22 Palau (until the Compact of Free Association with
23 Palau takes effect).
24 "(25) STATE DEVELOPMENTAL DISABILITIES
25 COUNCIL.—The term 'State Developmental Disabil-

1 ities Council' means a Council established under sec-
2 tion 124.
3 "(26) STATE PRIORITY AREA.—The term 'State
4 priority area' means priority area activities in an
5 area considered essential by the State Developmental
6 Disabilities Council.
7 "(27) SUPPORTED EMPLOYMENT.—The term
8 'supported employment' means competitive work in
9 integrated work settings for individuals with devel-
10 opmental disabilities—
11 "(A)(i) for whom competitive employment
12 has not traditionally occurred; or
13 "(ii) for whom competitive employment has
14 been interrupted or intermittent as a result of
15 a severe disability; and
16 "(B) who, because of the nature and sever-
17 ity of their disability, need intensive supported
18 employment services or extended services in
19 order to perform such work.
20 "(28) SYSTEM COORDINATION AND COMMUNITY
21 EDUCATION ACTIVITIES.—The term 'system coordi-
22 nation and community education activities' means
23 activities that—

1 "(A) eliminate barriers to access and eligi-
2 bility for services, supports, and other assist-
3 ance;
4 "(B) enhance systems design, redesign,
5 and integration, including the encouragement of
6 the creation of local service coordination and in-
7 formation and referral statewide systems;
8 "(C) enhance individual, family, and citi-
9 zen participation and involvement; and
10 "(D) develop and support coalitions and
11 individuals through training in self-advocacy,
12 educating policymakers, and citizen leadership
13 skills.
14 "(29) SYSTEMIC ADVOCACY.—The term 'sys-
15 temic advocacy' means activities that identify, sup-
16 port, and recommend improvements in the planning,
17 design, redesign, structure, delivery, or funding of
18 generic or specialized services and supports.
19 "(30) UNIVERSITY AFFILIATED PROGRAM.—
20 The term 'university affiliated program' means a
21 university affiliated program established under sec-
22 tion 152.".
23 **SEC. 104. FEDERAL SHARE.**
24 Section 103 (42 U.S.C. 6002) is repealed.

SEC. 105. RECORDS AND AUDITS.

(a) SECTION HEADING.—Section 104 (42 U.S.C. 6003) is amended—

(1) by striking "SEC. 104."; and

(2) in the section heading, by striking "RECORDS AND AUDIT" and inserting the following new section heading:

"SEC. 104. RECORDS AND AUDITS.".

(b) RECORDS AND AUDITS.—Section 104 (42 U.S.C. 6003) is amended—

(1) in subsection (a)—

(A) by striking "Each" and inserting "RECORDS.—Each";

(B) by striking "including" and inserting "including—";

(C) by realigning the margins of subparagraphs (A), (B), and (C) of paragraph (1) so as to align with the margins of subparagraphs (A) and (B) of paragraph (27) of section 102;

(D) by realigning the margins of paragraphs (1) and (2) so as to align with the margin of paragraph (30) of section 102;

(E) in paragraph (1), by striking "disclose" and inserting "disclose—"; and

(F) by striking the comma each place such appears and inserting a semicolon; and

1 (2) in subsection (b), by striking "The Sec-
2 retary" and inserting "ACCESS.—The Secretary".

3 **SEC. 106. RECOVERY.**

4 Section 105 (42 U.S.C. 6004) is repealed.

5 **SEC. 107. STATE CONTROL OF OPERATIONS.**

6 Section 106 (42 U.S.C. 6005) is amended—
7 (1) by striking "SEC. 106.";
8 (2) in the section heading, by striking "STATE
9 CONTROL OF OPERATIONS" and inserting the follow-
10 ing new section heading:

11 **"SEC. 106. STATE CONTROL OF OPERATIONS.";**

12 and
13 (3) by striking "facility for persons" and insert-
14 ing "programs, services, and supports for individ-
15 uals".

16 **SEC. 108. REPORTS.**

17 (a) SECTION HEADING.—Section 107 (42 U.S.C.
18 6006) is amended—
19 (1) by striking "SEC. 107."; and
20 (2) in the section heading, by striking "RE-
21 PORTS" and inserting the following new section
22 heading:

23 **"SEC. 107. REPORTS.".**

24 (b) REPORTS.—Section 107 (42 U.S.C. 6006) is
25 amended—

1 (1) in subsection (a)—

2 (A) in the matter preceding paragraph

3 (1)—

4 (i) by striking, "By January" and in-

5 serting "DEVELOPMENTAL DISABILITIES

6 COUNCIL REPORTS.—By January";

7 (ii) by striking "the State Planning

8 Council of each State" and inserting "each

9 State Developmental Disabilities Council";

10 (iii) by striking "a report concerning"

11 and inserting "a report of"; and

12 (iv) by striking "such report" and in-

13 serting "report";

14 (B) in paragraph (1), by striking "of such

15 activities" and all that follows through "from

16 such activities" and inserting "of activities and

17 accomplishments";

18 (C) in paragraph (2)—

19 (i) by striking "such accomplish-

20 ments" and inserting "accomplishments";

21 and

22 (ii) by striking "by the State";

23 (D) in paragraph (4)—

24 (i) by striking "Planning" and insert-

25 ing "Developmental Disabilities";

1 (ii) by striking "each" each place such
2 term appears;
3 (iii) by striking "report" and inserting
4 "reports";
5 (iv) by striking "1902(a)(31)(C)" and
6 inserting "1902(a)(31)";
7 (v) by striking "plan" and inserting
8 "plans"; and
9 (vi) by striking "; and" and inserting
10 a semicolon;
11 (E) by striking paragraph (5); and
12 (F) by adding at the end the following new
13 paragraphs:
14 "(5) a description of—
15 "(A) the trends and progress made in the
16 State concerning systemic change (including
17 policy reform), capacity building, advocacy, and
18 other actions on behalf of individuals with de-
19 velopmental disabilities, with attention to indi-
20 viduals who are traditionally unserved and un-
21 derserved, including individuals who are mem-
22 bers of ethnic and racial minority groups, and
23 individuals from underserved geographic areas;
24 "(B) systemic change, capacity building,
25 and advocacy activities that affect individuals

1 with disabilities other than developmental dis-
2 abilities; and
3 "(C) a summary of actions taken to im-
4 prove access and services for unserved and un-
5 derserved groups;
6 "(6) a description of resources leveraged by ac-
7 tivities directly attributable to State Developmental
8 Disabilities Council actions; and
9 "(7) a description of the method by which the
10 State Developmental Disabilities Council shall widely
11 disseminate the annual report to affected constitu-
12 encies as well as the general public and to assure
13 that the report is available in accessible formats.";
14 (2) in subsection (b)—
15 (A) by striking "By January" and insert-
16 ing "PROTECTION AND ADVOCACY SYSTEM RE-
17 PORTS.—By January"; and
18 (B) by inserting before the period ", in-
19 cluding a description of the system's priorities
20 for such fiscal year, the process used to obtain
21 public input, the nature of such input, and how
22 such input was used"; and
23 (3) in subsection (c)—
24 (A) by realigning the margins of subpara-
25 graphs (A) and (B) of paragraph (1) so as to

1 align with the margins of subparagraph (C) of
2 such paragraph;
3 (B) by realigning the margins of para-
4 graphs (1) and (2) so as to align with the mar-
5 gin of paragraph (1) of subsection (a);
6 (C) by striking "(c)" and inserting "(c)
7 SECRETARY REPORTS.—";
8 (D) by striking "(1) By" and inserting the
9 following:
10 "(1) IN GENERAL.—By";
11 (E) in paragraph (1)—
12 (i) in subparagraph (B)—
13 (I) by striking "integration" each
14 place such term appears and inserting
15 "integration and inclusion"; and
16 (II) by striking "persons" and in-
17 serting "individuals";
18 (ii) by striking subparagraph (C) and
19 inserting the following new subparagraph:
20 "(C)(i) the trends and progress made in
21 the States concerning systemic change (includ-
22 ing policy reform), capacity building, advocacy,
23 and other actions on behalf of individuals with
24 developmental disabilities, with attention to in-
25 dividuals who are traditionally unserved and

1 underserved, including individuals who are
2 members of ethnic and racial minority groups,
3 and individuals from underserved geographic
4 areas;
5 "(ii) systemic change, capacity building,
6 and advocacy activities that affect individuals
7 with disabilities other than developmental dis-
8 abilities; and
9 "(iii) a summary of actions taken to im-
10 prove access and services for unserved and un-
11 derserved groups;"; and
12 (iii) in subparagraph (D), by striking
13 "persons" and inserting "individuals"; and
14 (F) in paragraph (2)—
15 (i) by striking "use and include" and
16 inserting "include and analyze"; and
17 (ii) by striking "to the Secretary".
18 **SEC. 109. RESPONSIBILITIES OF THE SECRETARY.**
19 (a) SECTION HEADING.—Section 108 (42 U.S.C.
20 6007) is amended—
21 (1) by striking "SEC. 108."; and
22 (2) in the section heading, by striking "RE-
23 SPONSIBILITIES OF THE SECRETARY" and inserting
24 the following new section heading:

1 **"SEC. 108. RESPONSIBILITIES OF THE SECRETARY.".**

2 (b) RESPONSIBILITIES.—Section 108 (42 U.S.C.
3 6007) is amended—

4 (1) in subsection (a), by striking "The Sec-
5 retary" and inserting "REGULATIONS.—The Sec-
6 retary"; and

7 (2) in subsection (b)—

8 (A) by striking "Within ninety" and in-
9 serting "INTERAGENCY COMMITTEE.—Within
10 90"; and

11 (B) by striking "Administration for Devel-
12 opmental Disabilities" and inserting "Adminis-
13 tration on Developmental Disabilities,".

14 **SEC. 110. EMPLOYMENT OF HANDICAPPED INDIVIDUALS.**

15 (a) SECTION HEADING.—Section 109 (42 U.S.C.
16 6008) is amended—

17 (1) by striking "SEC. 109."; and

18 (2) in the section heading, by striking "EM-
19 PLOYMENT OF HANDICAPPED INDIVIDUALS" and in-
20 serting the following new section heading:

21 **"SEC. 109. EMPLOYMENT OF INDIVIDUALS WITH DISABIL-**
22 **ITIES.".**

23 (b) EMPLOYMENT.—Section 109 (42 U.S.C. 6008) is
24 amended—

25 (1) by striking "handicapped individuals" and
26 inserting "individuals with disabilities";

1 (2) by striking "Act of" and inserting "Act of
2 1973"; and
3 (3) by striking "which govern" and all that fol-
4 lows through "subcontracts." and inserting the fol-
5 lowing: "that govern employment—
6 "(1) by State rehabilitation agencies and com-
7 munity rehabilitation programs; and
8 "(2) under Federal contracts and sub-
9 contracts.".

10 **SEC. 111. RIGHTS OF THE DEVELOPMENTALLY DISABLED.**

11 (a) SECTION HEADING.—Section 110 (42 U.S.C.
12 6009) is amended—
13 (1) by striking "SEC. 110."; and
14 (2) in the section heading, by striking "RIGHTS
15 OF THE DEVELOPMENTALLY DISABLED" and insert-
16 ing the following new section heading:

17 **"SEC. 110. RIGHTS OF INDIVIDUALS WITH DEVELOPMEN-**
18 **TAL DISABILITIES.".**

19 (b) RIGHTS.—Section 110 (42 U.S.C. 6009) is
20 amended—
21 (1) in the matter preceding paragraph (1) by
22 striking "persons" and inserting "individuals";
23 (2) in paragraph (1), by striking "Persons" and
24 inserting "Individuals";
25 (3) in paragraph (2)—

(A) by striking "a person" and inserting "an individual";

(B) by striking "the person" and inserting "the individual"; and

(C) by striking "the person's" and inserting "the individual's";

(4) in paragraph (3), by striking "persons" each place such term appears and inserting "individuals";

(5) in paragraph (4), by striking "persons" each place such term appears and inserting "individuals"; and

(6) in the matter after subparagraph (C), by striking "persons" each place such term appears and inserting "individuals".

TITLE II—FEDERAL ASSISTANCE FOR PRIORITY AREA ACTIVITIES FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES

SEC. 201. PART HEADING.

The heading of Part B of title I of the Act is amended to read as follows:

1 **"PART B—FEDERAL ASSISTANCE TO STATE**
2 **DEVELOPMENTAL DISABILITIES COUNCILS".**

3 **SEC. 202. PURPOSE.**

4 Section 121 (42 U.S.C. 6021) is amended to read as
5 follows:

6 **"SEC. 121. PURPOSE.**

7 "The purpose of this part is to provide for allotments
8 to support State Developmental Disabilities Councils in
9 each State to promote, through systemic change, capacity
10 building, and advocacy, the development of a consumer
11 and family-centered, comprehensive system and a coordi-
12 nated array of services, supports, and other assistance de-
13 signed to achieve independence, productivity, and integra-
14 tion and inclusion into the community for individuals with
15 developmental disabilities.".

16 **SEC. 203. STATE PLANS.**

17 Section 122 (42 U.S.C. 6022) is amended to read as
18 follows:

19 **"SEC. 122. STATE PLAN.**

20 "(a) IN GENERAL.—Any State desiring to take ad-
21 vantage of this part shall have a State plan submitted to,
22 and approved by, the Secretary under this section.

23 "(b) PLANNING CYCLE.—The plan under subsection
24 (a) shall be reviewed annually and revised at least once
25 every 3 years.

1 "(c) STATE PLAN REQUIREMENTS.—In order to be
2 approved by the Secretary under this section, a State plan
3 shall meet the requirements in paragraphs (1) through
4 (5).

5 "(1) STATE COUNCIL.—The plan shall provide
6 for the establishment and maintenance of a State
7 Developmental Disabilities Council in accordance
8 with section 124 and describe the membership of
9 such Council.

10 "(2) DESIGNATED STATE AGENCY.—The plan
11 shall identify the agency or office within the State
12 designated to support the State Developmental Dis-
13 abilities Council in accordance with this section and
14 section 124(d).

15 "(3) COMPREHENSIVE REVIEW AND ANALY-
16 SIS.—The plan shall contain a comprehensive review
17 and analysis of the extent to which services and sup-
18 ports are available to, and the need for services and
19 supports for, individuals with developmental disabil-
20 ities and their families. Such review and analysis
21 shall include—

22 "(A) a description of the services, supports
23 and other assistance being provided to, or to be
24 provided to, individuals with developmental dis-
25 abilities and their families under other federally

1 assisted State programs, plans, and policies
2 that the State conducts and in which individ-
3 uals with developmental disabilities are or may
4 be eligible to participate, including programs re-
5 lating to education, job training, vocational re-
6 habilitation, public assistance, medical assist-
7 ance, social services, child welfare, maternal
8 and child health, aging, programs for children
9 with special health care needs, children's mental
10 health, housing, transportation, technology,
11 comprehensive health and mental health, and
12 such other programs as the Secretary may
13 specify;
14 "(B) a description of the extent to which
15 agencies operating such other federally assisted
16 State programs pursue interagency initiatives to
17 improve and enhance services, supports, and
18 other assistance for individuals with devel-
19 opmental disabilities; and
20 "(C) an examination of the provision, and
21 the need for the provision, in the State of the
22 four Federal priority areas and an optional
23 State priority area, including—
24 "(i) an analysis of such Federal and
25 State priority areas in relation to the de-

1 gree of support for individuals with devel-
2 opmental disabilities attributable to either
3 physical impairment, mental impairment,
4 or a combination of physical and mental
5 impairments;
6 "(ii) an analysis of criteria for eligi-
7 bility for services, including specialized
8 services and special adaptation of generic
9 services provided by agencies within the
10 State, that may exclude individuals with
11 developmental disabilities from receiving
12 such services;
13 "(iii) consideration of the report con-
14 ducted pursuant to section 124(e);
15 "(iv) consideration of the data col-
16 lected by the State educational agency
17 under section 618 of the Individuals with
18 Disabilities Education Act;
19 "(v) an analysis of services, assistive
20 technology, or knowledge that may be un-
21 available to assist individuals with devel-
22 opmental disabilities;
23 "(vi) an analysis of existing and pro-
24 jected fiscal resources;

1 "(vii) an analysis of any other issues
2 identified by the State Developmental Dis-
3 abilities Council; and
4 "(viii) the formulation of objectives in
5 systemic change, capacity building, and ad-
6 vocacy to address the issues described in
7 clauses (i) through (v) for all subpopula-
8 tions of individuals with developmental dis-
9 abilities that may be identified by the
10 State Developmental Disabilities Council.
11 "(4) PLAN OBJECTIVES.—The plan shall—
12 "(A) specify employment, and at the dis-
13 cretion of the State, any or all of the three
14 other Federal priority areas and an optional
15 State priority area that are selected by the
16 State Developmental Disabilities Council for
17 such Council's major systemic change, capacity
18 building, and advocacy activities to be ad-
19 dressed during the plan period and describe the
20 extent and scope of the Federal and State pri-
21 ority areas that will be addressed under the
22 plan in the fiscal year;
23 "(B) describe the specific 1-year and 3-
24 year objectives to be achieved and include a list-
25 ing of the programs, activities, and resources by

1 which the State Developmental Disabilities
2 Council will implement its systemic change, ca-
3 pacity building, and advocacy agenda in se-
4 lected priority areas, and set forth the non-Fed-
5 eral share required to carry out each objective;
6 and
7 "(C) establish a method for the periodic
8 evaluation of the plan's effectiveness in meeting
9 the objectives described in subparagraph (B).
10 "(5) ASSURANCES.—The plan shall contain or
11 be supported by the assurances described in sub-
12 paragraphs (A) through (N), which are satisfactory
13 to the Secretary.
14 "(A) USE OF FUNDS.—With respect to the
15 funds paid to the State under section 125, the
16 plan shall provide assurances that—
17 "(i) such funds will be used to make
18 a significant contribution toward enhanc-
19 ing the independence, productivity, and in-
20 tegration and inclusion into the community
21 of individuals with developmental disabil-
22 ities in various political subdivisions of the
23 State;
24 "(ii) such funds will be used to sup-
25 plement and to increase the level of funds

1 that would otherwise be made available for
2 the purposes for which Federal funds are
3 provided and not to supplant non-Federal
4 funds;
5 "(iii) such funds will be used to com-
6 plement and augment rather than dupli-
7 cate or replace services for individuals with
8 developmental disabilities and their fami-
9 lies who are eligible for Federal assistance
10 under other State programs;
11 "(iv) part of such funds will be made
12 available by the State to public or private
13 entities;
14 "(v) not more than 25 percent of such
15 funds will be allocated to the agency des-
16 ignated under section 124(d) for service
17 demonstration by such agency and that
18 such funds and demonstration services
19 have been explicitly authorized by the
20 State Developmental Disabilities Council;
21 "(vi) not less than 65 percent of the
22 amount available to the State under sec-
23 tion 125 shall be expended for activities in
24 the Federal priority area of employment
25 activities, and, at the discretion of the

1 State, activities in any or all of the three
2 other Federal priority areas and an op-
3 tional State priority area; and
4 "(vii) the remainder of the amount
5 available to the State from allotments
6 under section 125 (after making expendi-
7 tures required by clause (vi)) shall be used
8 for the planning, coordination, administra-
9 tion, and implementation of priority area
10 activities, and other activities relating to
11 systemic change, capacity building, and ad-
12 vocacy to implement the responsibilities of
13 the State Developmental Disabilities Coun-
14 cil pursuant to section 124(c).
15 "(B) STATE FINANCIAL PARTICIPATION.—
16 The plan shall provide assurances that there
17 will be reasonable State financial participation
18 in the cost of carrying out the State plan.
19 "(C) CONFLICT OF INTEREST.—The plan
20 shall provide assurances that the State Devel-
21 opmental Disabilities Council has approved con-
22 flict of interest policies as of October 1, 1994,
23 to ensure that no member of such Council shall
24 cast a vote on any matter that would provide
25 direct financial benefit to the member or other-

1 wise give the appearance of a conflict of inter-
2 est.
3 "(D) URBAN AND RURAL POVERTY
4 AREAS.—The plan shall provide assurances that
5 special financial and technical assistance shall
6 be given to organizations that provide services,
7 supports, and other assistance to individuals
8 with developmental disabilities who live in areas
9 designated as urban or rural poverty areas.
10 "(E) PROGRAM STANDARDS.—The plan
11 shall provide assurances that programs,
12 projects, and activities assisted under the plan,
13 and the buildings in which such programs,
14 projects, and activities are operated, will meet
15 standards prescribed by the Secretary in regula-
16 tion and all applicable Federal and State acces-
17 sibility standards.
18 "(F) INDIVIDUALIZED SERVICES.—The
19 plan shall provide assurances that any direct
20 services provided to individuals with devel-
21 opmental disabilities and funded under this
22 plan will be provided in an individualized man-
23 ner, consistent with unique strengths, resources,
24 priorities, concerns, abilities and capabilities of
25 an individual.

1 "(G) HUMAN RIGHTS.—The plan shall pro-
2 vide assurances that the human rights of all in-
3 dividuals with developmental disabilities (espe-
4 cially those individuals without familial protec-
5 tion) who are receiving services under programs
6 assisted under this part will be protected con-
7 sistent with section 110 (relating to rights of
8 individuals with developmental disabilities).
9 "(H) MINORITY PARTICIPATION.—The
10 plan shall provide assurances that the State has
11 taken affirmative steps to assure that participa-
12 tion in programs under this part is geographi-
13 cally representative of the State, and reflects
14 the diversity of the State with respect to race
15 and ethnicity.
16 "(I) INTERMEDIATE CARE FACILITY FOR
17 THE MENTALLY RETARDED SURVEY RE-
18 PORTS.—The plan shall provide assurances that
19 the State will provide the State Developmental
20 Disabilities Council with a copy of each annual
21 survey report and plan of corrections for cited
22 deficiencies prepared pursuant to section
23 1902(a)(31) of the Social Security Act with re-
24 spect to any intermediate care facility for the
25 mentally retarded in such State not less than

1 30 days after the completion of each such re-
2 port or plan.
3 "(J) VOLUNTEERS.—The plan shall pro-
4 vide assurances that the maximum utilization of
5 all available community resources including vol-
6 unteers serving under the Domestic Volunteer
7 Service Act of 1973 and other appropriate vol-
8 untary organizations will be provided for, except
9 that such volunteer services shall supplement,
10 and shall not be in lieu of, services of paid
11 employees.
12 "(K) EMPLOYEE PROTECTIONS.—The plan
13 shall provide assurances that fair and equitable
14 arrangements (as determined by the Secretary
15 after consultation with the Secretary of Labor)
16 will be provided to protect the interests of em-
17 ployees affected by actions under the plan to
18 provide community living activities, including
19 arrangements designed to preserve employee
20 rights and benefits and to provide training and
21 retraining of such employees where necessary
22 and arrangements under which maximum ef-
23 forts will be made to guarantee the employment
24 of such employees.

1 "(L) STAFF ASSIGNMENTS.—The plan
2 shall provide assurances that the staff and
3 other personnel of the State Developmental Dis-
4 abilities Council, while working for the Council,
5 are responsible solely for assisting the Council
6 in carrying out its duties under this part and
7 are not assigned duties by the designated State
8 agency or any other agency or office of the
9 State.
10 "(M) NONINTERFERENCE.—The plan shall
11 provide assurances that the designated State
12 agency or other office of the State will not
13 interfere with systemic change, capacity build-
14 ing, and advocacy activities, budget, personnel,
15 State plan development, or plan implementation
16 of the State Developmental Disabilities Council.
17 "(N) OTHER ASSURANCES.—The plan
18 shall contain such additional information and
19 assurances as the Secretary may find necessary
20 to carry out the provisions and purposes of this
21 part.
22 "(d) PUBLIC REVIEW, SUBMISSION, AND AP-
23 PROVAL.—
24 "(1) PUBLIC REVIEW.—The plan shall be made
25 available for public review and comment with appro-

1 priate and sufficient notice in accessible formats and
2 take into account and respond to significant sugges-
3 tions, as prescribed by the Secretary in regulation.
4 "(2) CONSULTATION WITH THE DESIGNATED
5 STATE AGENCY.—Before the plan is submitted to
6 the Secretary, the State Developmental Disabilities
7 Council shall consult with the designated State agen-
8 cy to ensure that the State plan is consistent with
9 State law and to obtain appropriate State plan
10 assurances.
11 "(3) PLAN APPROVAL.—The Secretary shall ap-
12 prove any State plan and annual updates of such
13 plan that comply with the provisions of subsections
14 (a), (b), and (c). The Secretary may not finally dis-
15 approve a State plan except after providing reason-
16 able notice and an opportunity for a hearing to the
17 State.".
18 **SEC. 204. HABILITATION PLANS.**
19 Section 123 (42 U.S.C. 6023) is repealed.
20 **SEC. 205. COUNCILS.**
21 Section 124 (42 U.S.C. 6024) is amended to read as
22 follows:

1 **"SEC. 124. STATE DEVELOPMENTAL DISABILITIES COUN-**
2 **CILS AND DESIGNATED STATE AGENCIES.**

3 "(a) IN GENERAL.—Each State that receives assist-
4 ance under this part shall establish and maintain a State
5 Developmental Disabilities Council (hereafter in this sec-
6 tion referred to as the 'Council') to conduct systemic
7 change, capacity building, and advocacy activities on be-
8 half of all individuals with developmental disabilities. The
9 Council shall have the authority to fulfill its responsibil-
10 ities described in subsection (c).

11 "(b) COUNCIL MEMBERSHIP.—

12 "(1) COUNCIL APPOINTMENTS.—The members
13 of the Council of a State shall be appointed by the
14 Governor of the State from among the residents of
15 that State. The Governor shall select members of the
16 Council, at his or her discretion, after soliciting rec-
17 ommendations from organizations representing a
18 broad range of individuals with developmental dis-
19 abilities and individuals interested in individuals
20 with developmental disabilities, including the non-
21 State agency members of the Council. The Council
22 shall coordinate Council and public input to the Gov-
23 ernor regarding all recommendations. To the extent
24 feasible, the membership of the Council shall be geo-
25 graphically representative of the State and reflect

1 the diversity of the State with respect to race and
2 ethnicity.
3 "(2) MEMBERSHIP ROTATION.—The Governor
4 shall make appropriate provisions to rotate the mem-
5 bership of the Council. Such provisions shall allow
6 members to continue to serve on the Council until
7 such members' successors are appointed. The Coun-
8 cil shall notify the Governor and the Secretary, and
9 the Secretary shall contact the Governor regarding
10 membership requirements, when vacancies remain
11 unfilled for a significant period of time.
12 "(3) REPRESENTATION OF AGENCIES AND OR-
13 GANIZATIONS.—Each Council shall at all times in-
14 clude representatives of the principal State agencies
15 (including the State agencies that administer funds
16 provided under the Rehabilitation Act of 1973, the
17 Individuals with Disabilities Education Act, the
18 Older Americans Act, and title XIX of the Social Se-
19 curity Act), institutions of higher education, each
20 university affiliated program in the State established
21 under part D, the State protection and advocacy
22 system established under part C, and local agencies,
23 nongovernmental agencies, and private nonprofit
24 groups concerned with services for individuals with
25 developmental disabilities in the State in which such

1 agencies and groups are located. Such representa-
2 tives shall—
3 "(A) have sufficient authority to engage in
4 policy planning and implementation on behalf of
5 the department, agency, or program such rep-
6 resentatives represent; and
7 "(B) recuse themselves from any discus-
8 sion of grants or contracts for which such rep-
9 resentatives' departments, agencies, or pro-
10 grams are grantees or applicants and comply
11 with the conflict of interest policies required
12 under section 122(c)(5)(C).
13 "(4) REPRESENTATION OF INDIVIDUALS WITH
14 DEVELOPMENTAL DISABILITIES.—Not less than 50
15 percent of the membership of each Council shall con-
16 sist of individuals who are—
17 "(A)(i) individuals with developmental dis-
18 abilities;
19 "(ii) parents or guardians of children with
20 developmental disabilities; or
21 "(iii) immediate relatives or guardians of
22 adults with mentally impairing developmental
23 disabilities who cannot advocate for themselves;
24 and

1 "(B) not employees of a State agency that
2 receives funds or provides services under this
3 part, and who are not managing employees (as
4 defined in section 1126(b) of the Social Secu-
5 rity Act) of any other entity that receives funds
6 or provides services under this part.
7 "(5) COMPOSITION OF MEMBERSHIP WITH DE-
8 VELOPMENTAL DISABILITIES.—Of the members of
9 the Council described in paragraph (4)—
10 "(A) one-third shall be individuals with de-
11 velopmental disabilities as described in para-
12 graph (4)(A)(i);
13 "(B) one-third shall be parents of children
14 with developmental disabilities as described in
15 paragraph (4)(A)(ii), or immediate relatives or
16 guardians of adults with mentally impairing de-
17 velopmental disabilities as described in para-
18 graph (4)(A)(iii); and
19 "(C) one-third shall be a combination of
20 individuals described in paragraph (4)(A).
21 "(6) INSTITUTIONALIZED INDIVIDUALS.—Of
22 the members of the Council described in paragraph
23 (5), at least one shall be an immediate relative or
24 guardian of an institutionalized or previously institu-
25 tionalized individual with a developmental disability

1 or an individual with a developmental disability who
2 resides or previously resided in an institution. This
3 paragraph shall not apply with respect to a State if
4 such an individual does not reside in that State.
5 "(c) COUNCIL RESPONSIBILITIES.—A Council,
6 through Council members, staff, consultants, contractors,
7 or subgrantees, shall have the responsibilities described in
8 paragraphs (1) through (11).
9 "(1) SYSTEMIC CHANGE, CAPACITY BUILDING,
10 AND ADVOCACY.—The Council shall serve as an ad-
11 vocate for individuals with developmental disabilities
12 and conduct programs, projects, and activities that
13 carry out the purpose under section 121.
14 "(2) EXAMINATION OF PRIORITY AREAS.—Not
15 less than once every 3 years, the Council shall exam-
16 ine the provision of and need for the four Federal
17 priority areas and an optional State priority area to
18 address, on a statewide and comprehensive basis, ur-
19 gent needs for services, supports, and other assist-
20 ance for individuals with developmental disabilities
21 and their families, pursuant to section 122.
22 "(3) STATE PLAN DEVELOPMENT.—The Coun-
23 cil shall develop and submit to the Secretary the
24 State plan required under section 122 after con-
25 sultation with the designated State agency under the

1 State plan. Such consultation shall be solely for the
2 purposes of obtaining State assurances and ensuring
3 consistency of the plan with State law.

4 "(4) STATE PLAN IMPLEMENTATION.—The
5 Council shall implement the State plan by conduct-
6 ing and supporting the Federal priority area of em-
7 ployment, not less than one of the remaining three
8 Federal priority areas, and an optional State priority
9 area as defined in section 102, through systemic
10 change, capacity building, and advocacy activities
11 such as those described in subparagraphs (A)
12 through (K).

13 "(A) DEMONSTRATION OF NEW AP-
14 PROACHES.—The Council may conduct, on a
15 time-limited basis, the demonstration of new
16 approaches to enhance the independence, pro-
17 ductivity, and integration and inclusion into the
18 community of individuals with developmental
19 disabilities. This may include making successful
20 demonstrations generally available through
21 sources of funding other than funding under
22 this part, and may also include assisting those
23 conducting such successful demonstration ac-
24 tivities to develop strategies for securing fund-
25 ing from other sources.

1 "(B) OUTREACH.—The Council may con-
2 duct activities to reach out to assist and enable
3 individuals with developmental disabilities and
4 their families who otherwise might not come to
5 the attention of the Council to obtain services,
6 supports, and other assistance, including access
7 to special adaptation of generic services or spe-
8 cialized services.

9 "(C) TRAINING.—The Council may con-
10 duct training for individuals with developmental
11 disabilities, their families, and personnel (in-
12 cluding professionals, paraprofessionals, stu-
13 dents, volunteers, and other community mem-
14 bers) to enable such individuals to obtain access
15 to, or to provide, services, supports and other
16 assistance, including special adaptation of ge-
17 neric services or specialized services for individ-
18 uals with developmental disabilities and their
19 families. To the extent that training activities
20 are provided, such activities shall be designed to
21 promote the empowerment of individuals with
22 developmental disabilities and their families.

23 "(D) SUPPORTING COMMUNITIES.—The
24 Council may assist neighborhoods and commu-
25 nities to respond positively to individuals with

1 developmental disabilities and their families by
2 encouraging local networks to provide informal
3 and formal supports and enabling communities
4 to offer such individuals and their families ac-
5 cess, resources, and opportunities.

6 "(E) INTERAGENCY COLLABORATION AND
7 COORDINATION.—The Council may promote
8 interagency collaboration and coordination to
9 better serve, support, assist, or advocate for in-
10 dividuals with developmental disabilities and
11 their families.

12 "(F) COORDINATION WITH RELATED
13 COUNCILS, COMMITTEES, AND PROGRAMS.—The
14 Council may conduct activities to enhance co-
15 ordination with—

16 "(i) other councils or committees, au-
17 thorized by Federal or State statute, con-
18 cerning such individuals with disabilities
19 (such as the State Interagency Coordinat-
20 ing Council under part H of the Individ-
21 uals with Disabilities Education Act, the
22 State Rehabilitation Advisory Council and
23 the Statewide Independent Living Council
24 under the Rehabilitation Act of 1973, the
25 State Mental Health Planning Council

1 under part B of title XIX of the Public
2 Health Service Act and other similar coun-
3 cils or committees);
4 "(ii) parent training and information
5 centers under part D of the Individuals
6 with Disabilities Education Act and other
7 federally funded projects that assist par-
8 ents of children with disabilities; and
9 "(iii) other groups interested in sys-
10 temic change, capacity building, and advo-
11 cacy for individuals with disabilities.
12 "(G) BARRIER ELIMINATION, SYSTEMS DE-
13 SIGN, AND CITIZEN PARTICIPATION.—The
14 Council may conduct activities to eliminate bar-
15 riers, enhance systems design and redesign, and
16 enhance citizen participation to address issues
17 identified in the State plan.
18 "(H) PUBLIC EDUCATION AND COALITION
19 DEVELOPMENT.—The Council may conduct ac-
20 tivities to educate the public about the capabili-
21 ties, preferences, and needs of individuals with
22 developmental disabilities and their families and
23 to develop and support coalitions that support
24 the policy agenda of the Council, including

1 training in self-advocacy, educating policy-
2 makers, and citizen leadership skills.
3 "(I) INFORMING POLICYMAKERS.—The
4 Council may provide information to Federal,
5 State, and local policymakers, including the
6 Congress, the Federal executive branch, the
7 Governor, State legislature, and State agencies,
8 in order to increase the ability of such policy-
9 makers to offer opportunities and to enhance or
10 adapt generic services or provide specialized
11 services to individuals with developmental dis-
12 abilities and their families by conducting stud-
13 ies and analyses, gathering information, and de-
14 veloping and disseminating model policies and
15 procedures, information, approaches, strategies,
16 findings, conclusions, and recommendations.
17 "(J) PREVENTION.—The Council may con-
18 duct prevention activities as defined in section
19 102.
20 "(K) OTHER ACTIVITIES.—The Council
21 may conduct other systemic change, capacity
22 building, and advocacy activities to expand and
23 enhance the independence, productivity, and in-
24 tegration and inclusion into the community of

1 individuals with developmental disabilities
2 throughout the State on a comprehensive basis.
3 "(5) STATE PLAN MONITORING.—Not less than
4 once each year, the Council shall monitor, review,
5 and evaluate the implementation and effectiveness of
6 the State plan in meeting such plan's objectives.
7 "(6) REVIEW OF DESIGNATED STATE AGEN-
8 CY.—The Council shall periodically review the appro-
9 priateness of the designated State agency and make
10 any recommendations for change to the Governor.
11 "(7) REPORTS.—The Council shall submit to
12 the Secretary, through the Governor, periodic re-
13 ports on its activities as the Secretary may reason-
14 ably request, and keep such records and afford such
15 access thereto as the Secretary finds necessary to
16 verify such reports.
17 "(8) BUDGET.—Each Council shall prepare, ap-
18 prove, and implement a budget using amounts paid
19 to the State under this part to fund and implement
20 all programs, projects, and activities under this part
21 including—
22 "(A) conducting such hearings and forums
23 as the Council may determine to be necessary
24 to carry out the duties of the Council, reimburs-
25 ing Council members of the Council for reason-

1 able and necessary expenses for attending
2 Council meetings and performing Council duties
3 (including child care and personal assistance
4 services), paying compensation to a member of
5 the Council, if such member is not employed or
6 must forfeit wages from other employment, for
7 each day such member is engaged in performing
8 the duties of the Council, supporting Council
9 member and staff travel to authorized training
10 and technical assistance activities including in-
11 service training and leadership development,
12 and appropriate subcontracting activities;
13 "(B) hiring and maintaining sufficient
14 numbers and types of staff (qualified by train-
15 ing and experience) and obtaining the services
16 of such professional, consulting, technical, and
17 clerical personnel (qualified by training and ex-
18 perience), consistent with State law, as the
19 Council determines to be necessary to carry out
20 its functions under this part, except that such
21 State shall not apply hiring freezes, reductions
22 in force, prohibitions on staff travel, or other
23 policies that negatively affect the provision of
24 staff support of the Council; and

1 "(C) directing the expenditure of funds for
2 grants, contracts, interagency agreements that
3 are binding contracts, and other activities au-
4 thorized by the approved State plan.
5 "(9) STAFF HIRING AND SUPERVISION.—A
6 Council shall, consistent with State law, recruit and
7 hire a Director of the Council, should the position of
8 Director become vacant, and supervise and annually
9 evaluate the Director. The Director shall hire, super-
10 vise, and annually evaluate the staff of the Council.
11 Council recruitment and hiring of staff shall be con-
12 sistent with Federal and State nondiscrimination
13 laws. Dismissal of personnel shall be for cause only,
14 based on documented performance evaluations and
15 consistent with State law and personnel policies.
16 Council directors and staff who are exempt from
17 State personnel policies may be dismissed based only
18 on documented performance criteria.
19 "(10) STAFF ASSIGNMENTS.—The staff and
20 other personnel, while working for the Council, shall
21 be responsible solely for assisting the Council in car-
22 rying out its duties under this part and shall not be
23 assigned duties by the designated State agency or
24 any other agency or office of the State.

1 "(11) CONSTRUCTION.—Nothing in this part
2 shall be construed to preclude a Council from engag-
3 ing in systemic change, capacity building, and advo-
4 cacy activities for individuals with disabilities other
5 than developmental disabilities, where appropriate.
6 "(d) DESIGNATED STATE AGENCY.—
7 "(1) IN GENERAL.—Each State that receives
8 assistance under this part shall designate the State
9 agency that shall, on behalf of the State, provide
10 support to the Council. After the date of enactment
11 of the Developmental Disabilities Assistance and Bill
12 of Rights Act Amendments of 1993, any designation
13 of a State agency shall be made in accordance with
14 the requirements of this subsection.
15 "(2) DESIGNATION.—
16 "(A) TYPE OF AGENCY.—Except as pro-
17 vided in this subsection, the designated State
18 agency shall be—
19 "(i) the Council if such Council may
20 be the designated State agency under the
21 laws of the State;
22 "(ii) a State agency that does not pro-
23 vide or pay for services made available to
24 individuals with developmental disabilities;
25 or

1 "(iii) a State office, including the im-
2 mediate office of the Governor of the State
3 or a State planning office.
4 "(B) CONDITIONS FOR CONTINUATION OF
5 STATE SERVICE AGENCY DESIGNATION.—
6 "(i) DESIGNATION BEFORE ENACT-
7 MENT.—If a State agency that provides or
8 pays for services for individuals with devel-
9 opmental disabilities was a designated
10 State agency for purposes of this part on
11 the date of enactment of the Developmen-
12 tal Disabilities Assistance and Bill of
13 Rights Act Amendments of 1993, and the
14 Governor of the State (or legislature,
15 where appropriate and in accordance with
16 State law) determines prior to June 30,
17 1994, not to change the designation of
18 such agency, such agency may continue to
19 be a designated State agency for purposes
20 of this part.
21 "(ii) CRITERIA FOR CONTINUED DES-
22 IGNATION.—The determination at the dis-
23 cretion of the Governor (or legislature as
24 the case may be) shall consider the com-
25 ments and recommendations of the general

1 public and a majority of the non-State
2 agency members of the Council with re-
3 spect to the designation of such State
4 agency, and after the Governor (or legisla-
5 ture as the case may be) has made an
6 independent assessment that the designa-
7 tion of such agency shall not interfere with
8 the budget, personnel, priorities, or other
9 action of the Council, and the ability of the
10 Council to serve as an advocate for individ-
11 uals with developmental disabilities.

12 "(C) REVIEW OF DESIGNATION.—After
13 October 1, 1993, the Council may request a re-
14 view of the designation of the designated State
15 agency by the Governor (or legislature as the
16 case may be). The Council shall provide docu-
17 mentation concerning the reason the Council
18 desires a change to be made and make a rec-
19 ommendation to the Governor (or legislature as
20 the case may be) regarding a preferred des-
21 ignated State agency.

22 "(D) APPEAL OF DESIGNATION.—After the
23 review is completed under subparagraph (C), a
24 majority of the non-State agency members of
25 the Council may appeal to the Secretary for a

1 review of the designation of the designated
2 State agency if Council independence as an ad-
3 vocate is not assured because of the actions or
4 inactions of the designated State agency.
5 "(3) RESPONSIBILITIES.—The designated State
6 agency shall, on behalf of the State, have the respon-
7 sibilities described in subparagraphs (A) through
8 (F).
9 "(A) SUPPORT SERVICES.—The designated
10 State agency shall provide required assurances
11 and support services as requested by and nego-
12 tiated with the Council.
13 "(B) FISCAL RESPONSIBILITIES.—The
14 designated State agency shall—
15 "(i) receive, account for, and disperse
16 funds under this part based on the State
17 plan required in section 122; and
18 "(ii) provide for such fiscal control
19 and fund accounting procedures as may be
20 necessary to assure the proper disperse-
21 ment of, and accounting for, funds paid to
22 the State under this part.
23 "(C) RECORDS, ACCESS, AND FINANCIAL
24 REPORTS.—The designated State agency shall
25 keep such records and afford access thereto as

1 the Secretary and the Council determine nec-
2 essary. The designated State agency, if other
3 than the Council, shall provide timely financial
4 reports at the request of the Council regarding
5 the status of expenditures, obligations, liquida-
6 tion, and the Federal and non-Federal share.
7 "(D) NON-FEDERAL SHARE.—The des-
8 ignated State agency, if other than the Council,
9 shall provide the required non-Federal share de-
10 fined in section 125A(c).
11 "(E) ASSURANCES.—The designated State
12 agency shall assist the Council in obtaining the
13 appropriate State plan assurances and in ensur-
14 ing that the plan is consistent with State law.
15 "(F) MEMORANDUM OF UNDERSTAND-
16 ING.—On the request of the Council, the des-
17 ignated State agency shall enter into a memo-
18 randum of understanding with the Council de-
19 lineating the roles and responsibilities of the
20 designated State agency.
21 "(4) USE OF FUNDS FOR DESIGNATED STATE
22 AGENCY RESPONSIBILITIES.—
23 "(A) NECESSARY EXPENDITURES OF
24 STATE DESIGNATED AGENCY.—At the request
25 of any State, a portion of any allotment or al-

1 lotments of such State under this part for any
2 fiscal year shall be available to pay up to one-
3 half (or the entire amount if the Council is the
4 designated State agency) of the expenditures
5 found necessary by the Secretary for the proper
6 and efficient exercise of the functions of the
7 State designated agency, except that not more
8 than 5 percent of the total of the allotments of
9 such State for any fiscal year, or $50,000,
10 whichever is less, shall be made available for
11 the total expenditure for such purpose by the
12 State agency designated under this subsection.
13 "(B) CONDITION FOR FEDERAL FUND-
14 ING.—Amounts shall be provided under sub-
15 paragraph (A) to a State for a fiscal year only
16 on condition that there shall be expended from
17 State sources for carrying out the responsibil-
18 ities of the designated State agency under para-
19 graph (3) not less than the total amount ex-
20 pended for carrying out such responsibilities
21 from such sources during the previous fiscal
22 year, except in such year as the Council may
23 become the designated State agency.
24 "(C) SUPPORT SERVICES PROVIDED BY
25 OTHER AGENCIES.—With the agreement of the

1 designated State agency, the Council may use
2 or contract with agencies other than the des-
3 ignated State agency to perform the functions
4 of the designated State agency.
5 "(e) 1990 REPORT.—Not later than January 1,
6 1990, each Council shall complete the reviews, analyses,
7 and final report described in this section.
8 "(1) COMPREHENSIVE REVIEW AND ANALY-
9 SIS.—Each Council shall conduct a comprehensive
10 review and analysis of the eligibility for services pro-
11 vided, and the extent, scope, and effectiveness of,
12 services provided and functions performed by, all
13 State agencies (including agencies that provide pub-
14 lic assistance) that affect or that potentially affect
15 the ability of individuals with developmental disabil-
16 ities to achieve the goals of independence, productiv-
17 ity, and integration and inclusion into the commu-
18 nity, including individuals with developmental dis-
19 abilities attributable to physical impairment, mental
20 impairment, or a combination of physical and mental
21 impairments.
22 "(2) CONSUMER SATISFACTION.—Each Council
23 shall conduct a review and analysis of the effective-
24 ness of, and consumer satisfaction with, the func-
25 tions performed by, and services provided or paid for

1 from Federal and State funds by, each of the State
2 agencies (including agencies that provide public as-
3 sistance) responsible for performing functions for,
4 and providing services to, all individuals with devel-
5 opmental disabilities in the State. Such review and
6 analysis shall be based upon a survey of a represent-
7 ative sample of individuals with developmental dis-
8 abilities receiving services from each such agency,
9 and if appropriate, shall include such individual's
10 families.

11 "(3) PUBLIC REVIEW AND COMMENT.—Each
12 Council shall convene public forums, after the provi-
13 sion of notice within the State, in order to—

14 "(A) present the findings of the reviews
15 and analyses prepared under paragraphs (1)
16 and (2);

17 "(B) obtain comments from all interested
18 individuals in the State regarding the unserved
19 and underserved populations of individuals with
20 developmental disabilities that result from phys-
21 ical impairment, mental impairment, or a com-
22 bination of physical and mental impairments;
23 and

24 "(C) obtain comments on any proposed
25 recommendations concerning the removal of

1 barriers to services for individuals with devel-
2 opmental disabilities and to connect such serv-
3 ices to existing State agencies by recommending
4 the designation of one or more State agencies,
5 as appropriate, to be responsible for the provi-
6 sion and coordination of such services.
7 "(4) BASIS FOR STATE PLAN.—Each Council
8 shall utilize the information developed pursuant to
9 paragraphs (1), (2), and (3) in developing the State
10 plan.".

11 **SEC. 206. STATE ALLOTMENTS.**

12 (a) SECTION HEADING.—Section 125 (42 U.S.C.
13 6025) is amended—
14 (1) by striking "SEC. 125."; and
15 (2) in the section heading, by striking "STATE
16 ALLOTMENTS" and inserting the following:

17 **"SEC. 125. STATE ALLOTMENTS.".**

18 (b) ALLOTMENTS.—Section 125 (42 U.S.C. 6025) is
19 amended—
20 (1) in subsection (a)—
21 (A) in paragraph (1)—
22 (i) by realigning the margins of sub-
23 paragraphs (A), (B), and (C) so as to align
24 with the margin of subparagraph (A) of
25 paragraph (4); and

1 (ii) by realigning the margin of the
2 matter following subparagraph (C) so as to
3 align with the margin of paragraph (3);
4 (B) by striking "(a)(1) For" and inserting
5 the following:
6 "(a) ALLOTMENTS.—
7 "(1) IN GENERAL.—For";
8 (C) in paragraph (2)—
9 (i) by striking "(2) Adjustments" and
10 inserting the following:
11 "(2) ADJUSTMENTS.—Adjustments";
12 (ii) by striking "may be" and insert-
13 ing "shall be"; and
14 (iii) by striking "not less" and insert-
15 ing "and the percentage of the total appro-
16 priation for each State not less";
17 (D) in paragraph (3)—
18 (i) by striking "(3)(A) Except" and
19 all that follows through "September 30,
20 1990." and inserting the following:
21 "(3) MINIMUM ALLOTMENT.—
22 "(A) IN GENERAL.—Except as provided in
23 paragraph (4), for any fiscal year the allotment
24 under this section—

1 "(i) to each of American Samoa,
2 Guam, the United States Virgin Islands,
3 the Commonwealth of the Northern Mari-
4 ana Islands, or the Republic of Palau
5 (until the Compact of Free Association
6 with Palau takes effect) may not be less
7 than the greater of—
8 "(I) $210,000; or
9 "(II) the greater of the allotment
10 received by such State for fiscal year
11 1992, or the allotment received by
12 such State for fiscal year 1993, under
13 this section (determined without re-
14 gard to subsection (d)); and
15 "(ii) to any State not described in
16 clause (i), may not be less than the greater
17 of—
18 "(I) $400,000; or
19 "(II) the greater of the allotment
20 received by such State for fiscal year
21 1992, or the allotment received by
22 such State for fiscal year 1993, under
23 this section (determined without re-
24 gard to subsection (d)).”; and

1 (ii) by striking "(B) Notwithstanding"
2 and inserting the following:
3 "(B) REDUCTION OF ALLOTMENT.—Not-
4 withstanding";
5 (E) in paragraph (4), to read as follows:
6 "(4) MAXIMUM ALLOTMENT.—
7 "(A) IN GENERAL.—In any case in which
8 amounts appropriated under section 130 for a
9 fiscal year exceeds $75,000,000, the allotment
10 under this section for such fiscal year—
11 "(i) to each of American Samoa,
12 Guam, the United States Virgin Islands,
13 the Commonwealth of the Northern Mari-
14 ana Islands or the Republic of Palau (until
15 the Compact of Free Association with
16 Palau takes effect) may not be less than
17 the greater of—
18 "(I) $220,000; or
19 "(II) the greater of the allotment
20 received by such State for fiscal year
21 1992, or the allotment received by
22 such State for fiscal year 1993, under
23 this section (determined without re-
24 gard to subsection (d)); and

"(ii) to any State not described in clause (i) may not be less than the greater of—

"(I) $450,000; or

"(II) the greater of the allotment received by such State for fiscal year 1992, or the allotment received by such State for fiscal year 1993, under this section (determined without regard to subsection (d)).

"(B) REDUCTION OF ALLOTMENT.—The requirements of paragraph (3)(B) shall apply with respect to amounts to be allotted to States under subparagraph (A), in the same manner and to the same extent as such requirements apply with respect to amounts to be allotted to States under paragraph (3)(A).";

(F) in paragraph (5)—

(i) by striking "In determining" and inserting "STATE SUPPORTS, SERVICES, AND OTHER ACTIVITIES.—In determining"; and

(ii) by striking, "section 122(b)(2)(C)" and inserting "section 122(c)(3)(A)"; and

1 (G) in paragraph (6), by striking "In any
2 case" and inserting "INCREASE IN ALLOT-
3 MENTS.—In any case";
4 (2) in subsection (b), by striking "Any amount"
5 and inserting "UNOBLIGATED FUNDS.—Any
6 amount";
7 (3) in subsection (c), by striking "Whenever"
8 and inserting "COOPERATIVE EFFORTS BETWEEN
9 STATES.—Whenever"; and
10 (4) in subsection (d), by striking "The amount"
11 and inserting "REALLOTMENTS.—The amount".
12 **SEC. 207. FEDERAL SHARE AND NON-FEDERAL SHARE.**
13 Part B of title I of the Act is amended by inserting
14 after section 125 (42 U.S.C. 6025) the following new
15 section:
16 **"SEC. 125A. FEDERAL AND NON-FEDERAL SHARE.**
17 "(a) AGGREGATE COSTS.—The Federal share of all
18 projects in a State supported by an allotment to the State
19 under this part may not exceed 75 percent of the aggre-
20 gate necessary costs of all such projects as determined by
21 the Secretary, except that—
22 "(1) in the case of projects whose activities or
23 products target individuals with developmental dis-
24 abilities who live in urban or rural poverty areas, the
25 Federal share of all such projects may not exceed 90

1 percent of the aggregate necessary costs of such
2 projects or activities, as determined by the Sec-
3 retary; and
4 "(2) in the case of projects or activities under-
5 taken by the Council or Council staff to implement
6 State plan priority activities, the Federal share of all
7 such activities may be up to 100 percent of the ag-
8 gregate necessary costs of such activities.
9 "(b) NONDUPLICATION.—In determining the amount
10 of any State's Federal share of the expenditures incurred
11 by such State under a State plan approved under section
12 122, the Secretary shall not consider—
13 "(1) any portion of such expenditures that are
14 financed by Federal funds provided under any provi-
15 sion of law other than section 125; and
16 "(2) the amount of any non-Federal funds re-
17 quired to be expended as a condition of receipt of
18 such Federal funds.
19 "(c) NON-FEDERAL SHARE.—
20 "(1) IN KIND CONTRIBUTIONS.—The non-Fed-
21 eral share of the cost of any project assisted by a
22 grant or an allotment under this part may be pro-
23 vided in kind.
24 "(2) CONTRIBUTIONS OF POLITICAL SUBDIVI-
25 SIONS, PUBLIC, OR PRIVATE ENTITIES.—

1 "(A) IN GENERAL.—Expenditures on
2 projects or activities by a political subdivision of
3 a State or by a public or private entity shall,
4 subject to such limitations and conditions as
5 the Secretary may by regulation prescribe, be
6 considered to be expenditures by such State in
7 the case of a project under this part.
8 "(B) STATE CONTRIBUTIONS.—State con-
9 tributions, including contributions by the des-
10 ignated State agency to provide support services
11 to the Council pursuant to section 124(d)(4),
12 may be counted as part of such State's non-
13 Federal share of allotments under this part.
14 "(3) VARIATIONS OF THE NON-FEDERAL
15 SHARE.—The non-Federal share required on a
16 grant-by-grant basis may vary.".

17 **SEC. 208. PAYMENTS TO THE STATES FOR PLANNING, AD-**
18 **MINISTRATION, AND SERVICES.**

19 Section 126 (42 U.S.C. 6026) is amended—
20 (1) by striking "SEC. 126." and inserting "(a)
21 STATE PLAN EXPENDITURES.—";
22 (2) in the section heading, by striking "PAY-
23 MENTS TO THE STATES FOR PLANNING, ADMINIS-
24 TRATION AND SERVICES" and inserting the follow-
25 ing:

1 **"SEC. 126. PAYMENTS TO THE STATES FOR PLANNING, AD-**
2 **MINISTRATION, AND SERVICES.";**
3 and
4 (3) by adding at the end the following new sub-
5 section:
6 "(b) SUPPORT SERVICES.—Payments to States for
7 support services provided by the designated State agency
8 pursuant to section 124(d)(4) may be made in advance
9 or by way of reimbursement, and in such installments as
10 the Secretary may determine.".
11 **SEC. 209. WITHHOLDING OF PAYMENTS FOR PLANNING, AD-**
12 **MINISTRATION, AND SERVICES.**
13 Section 127 (42 U.S.C. 6027) is amended—
14 (1) in the matter preceding paragraph (1), by
15 striking "SEC. 127.";
16 (2) in the section heading by striking "WITH-
17 HOLDING OF PAYMENTS FOR PLANNING, ADMINIS-
18 TRATION AND SERVICES" and inserting the follow-
19 ing:
20 **"SEC. 127. WITHHOLDING OF PAYMENTS FOR PLANNING,**
21 **ADMINISTRATION, AND SERVICES.";**
22 and
23 (3) in paragraph (1), by striking "sections" and
24 inserting "section".
25 **SEC. 210. NONDUPLICATION.**
26 Section 128 (42 U.S.C. 6028) is repealed.

1 **SEC. 211. APPEALS BY STATES.**

2 Section 129 (42 U.S.C. 6029) is amended—

3 (1) by striking "SEC. 129."; and

4 (2) in the section heading, by striking "AP-

5 PEALS BY STATES" and inserting the following:

6 **"SEC. 129. APPEALS BY STATES.".**

7 **SEC. 212. AUTHORIZATION OF APPROPRIATIONS.**

8 Section 130 (42 U.S.C. 6030) is amended—

9 (1) by striking "fiscal year 1991" and inserting

10 "fiscal year 1994"; and

11 (2) by striking "years 1992 and 1993" and in-

12 serting "years 1995 and 1996".

13 **SEC. 213. REVIEW, ANALYSIS, AND REPORT.**

14 (a) REVIEW AND ANALYSIS.—The Secretary of

15 Health and Human Services shall review and analyze the

16 allotment formula in effect under parts B and C of title

17 I of the Developmental Disabilities Assistance and Bill of

18 Rights Act prior to the date of enactment of this Act, in-

19 cluding the factors described in such parts, and the data

20 elements and measures used by the Secretary, to deter-

21 mine whether such formula is consistent with the purpose

22 of the Act.

23 (b) ALTERNATIVE FORMULAS.—The Secretary of

24 Health and Human Services shall identify alternative for-

25 mulas for allocating funds, consistent with the purpose of

26 this Act.

1 (c) REPORT.—Not later than October 1, 1995, the
2 Secretary of Health and Human Services shall submit a
3 report on the review conducted under subsection (a) and
4 a copy of the alternative formulas identified under sub-
5 section (b) to the Committee on Labor and Human Re-
6 sources of the Senate and to the Committee on Energy
7 and Commerce of the House of Representatives.

8 TITLE III—PROTECTION AND AD-
9 VOCACY OF INDIVIDUAL
10 RIGHTS

11 **SEC. 301. PART HEADING.**

12 The heading of part C of title I of the Act is amended
13 to read as follows:

14 **"PART C—PROTECTION AND ADVOCACY OF**
15 **INDIVIDUAL RIGHTS".**

16 **SEC. 302. PURPOSE.**

17 Section 141 (42 U.S.C. 6041) is amended—
18 (1) by striking "SEC. 141.";
19 (2) in the section heading, by striking "PUR-
20 POSE" and inserting the following:
21 **"SEC. 141. PURPOSE.";**
22 (3) by striking "system" and inserting "Protec-
23 tion and Advocacy system (hereafter referred to in
24 this part as the 'system') "; and

(4) by striking "persons" and inserting "individuals".

SEC. 303. SYSTEM REQUIRED.

(a) SECTION HEADING.—Section 142 (42 U.S.C. 6042) is amended—

(1) by striking "SEC. 142."; and

(2) in the section heading, by striking "SYSTEM REQUIRED" and inserting the following:

"SEC. 142. SYSTEM REQUIRED.".

(b) SYSTEM.—Section 142 (42 U.S.C. 6042) is amended—

(1) in subsection (a)—

(A) by striking "In order" and inserting "SYSTEM REQUIRED.—In order";

(B) in paragraph (1), by striking "persons" and inserting "individuals";

(C) in paragraph (2)—

(i) by striking "persons" each place such term appears and inserting "individuals";

(ii) in subparagraph (A), by striking "minority" and inserting "underserved geographical areas and ethnic and racial minority";

(iii) by striking subparagraph (C);

(iv) in subparagraph (E), by striking "Planning Council" and inserting "Developmental Disabilities Council authorized under part B";

(v) in subparagraph (F), by striking "and" at the end thereof; and

(vi) in subparagraph (G)—

(I) in clause (i), by striking "person" each place such term appears and inserting "individual";

(II) in the matter preceding subclause (I) of clause (ii), by striking "person" and inserting "individual";

(III) in clause (ii)(I), by striking "by reason of the mental or physical condition of such person" and inserting "by reason of such individual's mental or physical condition";

(IV) in clause (ii)(III), by striking "person" and inserting "individual";

(V) in clause (iii), by realigning the margins of subclauses (I), (II), and (III) so as to align with the mar-

1 gins of subclauses (I), (II), and (III)
2 of clause (ii);
3 (VI) in clause (iii), by striking
4 "(iii) any" and inserting the following:
5 "(iii) any"; and
6 (VII) in clause (iii)(III), by strik-
7 ing "person" and inserting "individ-
8 ual";
9 (D) by redesignating subparagraphs (D),
10 (E), (F), and (G) as subparagraphs (E), (F),
11 (G), and (I), respectively;
12 (E) by inserting after subparagraph (B)
13 the following new subparagraphs:
14 "(C) on an annual basis, develop a state-
15 ment of objectives and priorities for the sys-
16 tem's activities; and
17 "(D) on an annual basis, provide to the
18 public, including individuals with developmental
19 disabilities attributable to either physical im-
20 pairment, mental impairment, or a combination
21 of physical or mental impairments, and their
22 representatives, as appropriate, non-State agen-
23 cy representatives of the State Developmental
24 Disabilities Council, and the university affili-

1 ated program (if applicable within a State), an
2 opportunity to comment on—
3 "(i) the objectives and priorities es-
4 tablished by the system and the rationale
5 for the establishment of such objectives;
6 and
7 "(ii) the activities of the system, in-
8 cluding the coordination with the advocacy
9 programs under the Rehabilitation Act of
10 1973, the Older Americans Act of 1965,
11 and the Protection and Advocacy for Men-
12 tally Ill Individuals Act of 1986, and with
13 other related programs, including the Par-
14 ent Training and Information Centers,
15 education ombudsman programs and
16 assistive technology projects;";
17 (F) by inserting after subparagraph (G),
18 as so redesignated in subparagraph (D), the fol-
19 lowing new subparagraph:
20 "(H) have access at reasonable times and
21 locations to any resident who is an individual
22 with a developmental disability in a facility that
23 is providing services, supports, and other assist-
24 ance to such a resident;";

1 (G) by adding at the end the following new
2 subparagraphs:
3 "(J) hire and maintain sufficient numbers
4 and types of staff, qualified by training and ex-
5 perience, to carry out such system's function
6 except that such State shall not apply hiring
7 freezes, reductions in force, or other policies
8 that negatively affect the provision of staff sup-
9 port to the system, or restrict travel to training
10 and technical assistance activities funded under
11 this Act;
12 "(K) have the authority to educate policy-
13 makers; and
14 "(L) provide assurances to the Secretary
15 that funds allotted to the State under this sec-
16 tion will be used to supplement and increase the
17 level of funds that would otherwise be made
18 available for the purposes for which Federal
19 funds are provided and not to supplant such
20 non-Federal funds;"
21 (H) by striking paragraphs (3) and (5);
22 (I) in paragraph (4)—
23 (i) by striking "the State" and all
24 that follows through "provided with" and

1 inserting "the State must provide to the
2 system";
3 (ii) by striking "1902(a)(31)(B)" and
4 inserting "1902(a)(31)"; and
5 (iii) by redesignating such paragraph
6 as paragraph (3); and
7 (J) by adding at the end the following new
8 paragraph:
9 "(4) the agency implementing the system will
10 not be redesignated unless there is good cause for
11 the redesignation and unless—
12 "(A) notice has been given of the intention
13 to make such redesignation to the agency that
14 is serving as the system including the good
15 cause for such redesignation and the agency
16 has been given an opportunity to respond to the
17 assertion that good cause has been shown;
18 "(B) timely notice and opportunity for
19 public comment in an accessible format has
20 been given to individuals with developmental
21 disabilities or their representatives; and
22 "(C) the system has the opportunity to ap-
23 peal to the Secretary that the redesignation was
24 not for good cause.";
25 (2) in subsection (b)—

1 (A) by striking "(b)(1) To" and inserting
2 the following:
3 "(b) ALLOTMENTS.—
4 "(1) IN GENERAL.—To";
5 (B) in paragraph (1)—
6 (i) by realigning the margins of sub-
7 paragraphs (A) and (B) so as to align with
8 subparagraphs (A) through (C) of sub-
9 section (a)(4);
10 (ii) in subparagraph (A), to read as
11 follows:
12 "(A) the total amount appropriated under
13 section 143 for a fiscal year is at least
14 $20,000,000—
15 "(i) the allotment of each of American
16 Samoa, Guam, the United States Virgin
17 Islands, the Commonwealth of the North-
18 ern Mariana Islands, and the Republic of
19 Palau (until the Compact of Free Associa-
20 tion with Palau takes effect) for such fiscal
21 year may not be less than the greater of—
22 "(I) $107,000; or
23 "(II) the greater of the allotment
24 received by such State for fiscal year
25 1992, or the allotment received by

1 such State for fiscal year 1993, under
2 this section (determined without re-
3 gard to subsection (d)); and
4 "(ii) the allotment of any State not
5 described in clause (i) for such fiscal year
6 may not be less than the greater of—
7 "(I) $200,000; or
8 "(II) the greater of the allot-
9 ments received by such State for fiscal
10 year 1992, or the allotment received
11 by such State for fiscal year 1993,
12 under this section (determined with-
13 out regard to subsection (d)).''; and
14 (iii) in subparagraph (B), to read as
15 follows:
16 "(B) the total amount appropriated under
17 section 143 for a fiscal year is less than
18 $20,000,000—
19 "(i) the allotment of each of American
20 Samoa, Guam, the United States Virgin
21 Islands, the Commonwealth of the North-
22 ern Mariana Islands, and the Republic of
23 Palau (until the Compact of Free Associa-
24 tion with Palau takes effect) for such fiscal
25 year may not be less than the greater of—

1 "(I) $80,000; or
2 "(II) the greater of the allotment
3 received by such State for fiscal year
4 1992, or the allotment received by
5 such State for fiscal year 1993, under
6 this section (determined without re-
7 gard to subsection (d)); and
8 "(ii) the allotment of any State not
9 described in clause (i) for such fiscal year
10 may not be less than the greater of—
11 "(I) $150,000; or
12 "(II) the greater of the allotment
13 received by such State for fiscal year
14 1992, or the allotment received by
15 such State for fiscal year 1993, under
16 this section (determined without re-
17 gard to subsection (d)).";
18 (C) by realigning the margins of subpara-
19 graphs (A) and (B) of paragraph (2) so as to
20 align with subparagraphs (A) through (C) of
21 subsection (a)(4);
22 (D) by realigning the margins of para-
23 graphs (2) through (4) so as to align with para-
24 graph (4) of subsection (a);

1 (E) in paragraph (2), by striking "In any
2 case" and inserting "INCREASE IN ALLOT-
3 MENTS.—In any case";
4 (F) in paragraph (3), by striking "A
5 State" and inserting "MONITORING THE AD-
6 MINISTRATION OF THE SYSTEM.—A State";
7 (G) in paragraph (4), by striking "Not-
8 withstanding" and inserting "REDUCTION OF
9 ALLOTMENT.—Notwithstanding"; and
10 (H) by inserting at the end the following
11 new paragraph:
12 "(5) TECHNICAL ASSISTANCE AND AMERICAN
13 INDIAN CONSORTIUM.—In any case in which
14 amounts appropriated under section 143 for a fiscal
15 year exceeds $24,500,000, the Secretary shall—
16 "(A) use not more than 2 percent of the
17 amounts appropriated to provide technical as-
18 sistance (consistent with requests by such sys-
19 tems for such assistance in the year that appro-
20 priations reach $24,500,000) to eligible systems
21 with respect to activities carried out under this
22 title; and
23 "(B) provide grants in accordance with
24 paragraph (1)(A)(i) to American Indian Con-

1 sortiums to provide protection and advocacy
2 services.";
3 (3) in subsection (c), by striking "Any amount"
4 and inserting "UNOBLIGATED FUNDS.—Any
5 amount";
6 (4) in subsection (d)—
7 (A) in the matter preceding paragraph (1),
8 by striking "In States" and inserting "GOV-
9 ERNING BOARD.—In States";
10 (B) in paragraph (1), by inserting before
11 the semicolon "and include individuals with de-
12 velopmental disabilities who are eligible for
13 services, or have received or are receiving serv-
14 ices, or parents, family members, guardians, ad-
15 vocates, or authorized representatives of such
16 individuals"; and
17 (C) by adding at the end the following new
18 paragraph:

19 "(4) in States in which the system is organized
20 as a public system without a multimember governing
21 or advisory board, the system shall establish an advi-
22 sory council that shall—
23 "(A) advise the system on policies and pri-
24 orities to be carried out in protecting and advo-

1 cating the rights of individuals with devel-
2 opmental disabilities; and
3 "(B) consist of a majority of individuals
4 with developmental disabilities who are eligible
5 for services, or have received or are receiving
6 services, or parents, family members, guardians,
7 advocates, or authorized representatives of such
8 individuals.";
9 (5) in subsection (e) by striking "As used" and
10 inserting "RECORDS.—As used";
11 (6) in subsection (f)—
12 (A) by striking "If the" and inserting "AC-
13 CESS TO RECORDS.—If the"; and
14 (B) in the matter preceding paragraph (1)
15 by striking "persons" and inserting "individ-
16 uals";
17 (7) in subsection (g)—
18 (A) by striking "(g)(1) Nothing" and in-
19 serting the following:
20 "(g) LEGAL ACTION.—
21 "(1) IN GENERAL.—Nothing";
22 (B) in paragraph (1), by striking "per-
23 sons" and inserting "individuals"; and
24 (C) in paragraph (2), by striking "(2)
25 Amounts" and inserting the following:

1 "(2) USE OF AMOUNTS FROM JUDGMENT.—
2 Amounts";
3 (8) in subsection (h), by striking "Notwith-
4 standing" and inserting "PAYMENT TO SYS-
5 TEMS.—Notwithstanding";
6 (9) by redesignating subsections (b) through (h)
7 as subsections (c) through (i), respectively;
8 (10) by inserting after subsection (a) the follow-
9 ing new subsection:
10 "(b) AMERICAN INDIAN CONSORTIUM.—Upon appli-
11 cation to the Secretary, an American Indian consortium,
12 as defined in section 102, established to provide protection
13 and advocacy services under this part, shall receive fund-
14 ing pursuant to subsection (c)(5). Such consortium shall
15 coordinate activities with existing systems."; and
16 (11) by adding at the end the following new
17 subsections:
18 "(j) DISCLOSURE OF INFORMATION.—For purposes
19 of any periodic audit, report, or evaluation required under
20 this Act, the Secretary shall not require a program to dis-
21 close the identity of, or any other personally identifiable
22 information related to, any individual requesting assist-
23 ance under such program.
24 "(k) PUBLIC NOTICE OF FEDERAL ONSITE RE-
25 VIEW.—The Secretary shall provide advance public notice

1 of any Federal programmatic and administrative review
2 and solicit public comment on the system funded under
3 this part through such notice. The findings of the public
4 comment solicitation notice shall be included in the onsite
5 visit report.".

6 **SEC. 304. AUTHORIZATION OF APPROPRIATIONS.**

7 Section 143 (42 U.S.C. 6043) is amended—

8 (1) by striking "SEC. 143.";

9 (2) in the section heading, by striking "AU-
10 THORIZATION OF APPROPRIATIONS" and inserting
11 the following:

12 **"SEC. 143. AUTHORIZATION OF APPROPRIATIONS.";**

13 (3) by striking "$24,200,000 for fiscal year
14 1991" and inserting "$29,000,000 for fiscal year
15 1994"; and

16 (4) by striking "fiscal years 1992 and 1993"
17 and inserting "fiscal years 1995 and 1996".

18 TITLE IV—UNIVERSITY
19 AFFILIATED PROGRAMS

20 **SEC. 401. PART HEADING.**

21 The heading of part D of title I of the Act is amended
22 to reads as follows:

1 **"PART D—UNIVERSITY AFFILIATED PROGRAMS".**

2 **SEC. 402. PURPOSE.**

3 Section 151 (42 U.S.C. 6061) is amended to read as
4 follows:

5 **"SEC. 151. PURPOSE AND SCOPE OF ACTIVITIES.**

6 "The purpose of this part is to provide for grants
7 to university affiliated programs that are interdisciplinary
8 programs operated by universities, or by public or non-
9 profit entities associated with a college or university, to
10 provide a leadership role in the promotion of independ-
11 ence, productivity, and integration and inclusion into the
12 community of individuals with developmental disabilities
13 through the provision of the following activities:

14 "(1) Interdisciplinary preservice preparation of
15 students and fellows, including the preparation of
16 leadership personnel.

17 "(2) Community service activities that shall in-
18 clude community training and technical assistance
19 for or with individuals with developmental disabil-
20 ities, family members of individuals with devel-
21 opmental disabilities, professionals, paraprofes-
22 sionals, students, and volunteers. Such activities
23 may include state-of-the-art direct services including
24 family support, individual support, personal assist-
25 ance services, educational, vocational, clinical,
26 health, prevention, or other direct services.

"(3) Dissemination of information and research findings, which may include the empirical validation of activities relevant to the purposes described in paragraphs (1) and (2) and contributions to the development of new knowledge in the field of developmental disabilities.".

SEC. 403. GRANT AUTHORITY.

(a) SECTION HEADING.—Section 152 (42 U.S.C. 6062) is amended—

(1) by striking "SEC. 152."; and

(2) in the section heading, by striking "GRANT AUTHORITY" and inserting the following:

"SEC. 152. GRANT AUTHORITY.".

(b) AUTHORITY.—Section 152 (42 U.S.C. 6062) is amended—

(1) in subsection (a)—

(A) by striking "From appropriations" and inserting "ADMINISTRATION AND OPERATION.—From appropriations"; and

(B) by striking "102(18)." and inserting "151. Grants may be awarded for a period not to exceed 5 years.";

(2) in subsection (b), to read as follows:

"(b) TRAINING PROJECTS.—

1 "(1) IN GENERAL.—From amounts appro-
2 priated under section 156(a), the Secretary shall
3 make grants to university affiliated programs receiv-
4 ing grants under subsection (a) to support training
5 projects to train personnel to address the needs of
6 individuals with developmental disabilities in areas
7 of emerging national significance, as described in
8 paragraph (3). Grants awarded under this sub-
9 section shall be awarded on a competitive basis and
10 may be awarded for a period not to exceed 5 years.
11 "(2) ELIGIBILITY LIMITATIONS.—A university
12 affiliated program shall not be eligible to receive
13 funds for training projects under this subsection
14 unless—
15 "(A) such program has operated for at
16 least 1 year; or
17 "(B) the Secretary determines that such
18 program has demonstrated the capacity to de-
19 velop an effective training project during the
20 first year such program is operated.
21 "(3) AREAS OF FOCUS.—Training projects
22 under this subsection shall train personnel to ad-
23 dress the needs of individuals with developmental
24 disabilities in the areas of emerging national signifi-
25 cance described in subparagraphs (A) through (G).

1 "(A) EARLY INTERVENTION.—Grants
2 under this subsection for training projects with
3 respect to early intervention services shall be
4 for the purpose of assisting university affiliated
5 programs in providing training to family mem-
6 bers of children with developmental disabilities
7 and personnel from all disciplines involved with
8 interdisciplinary intervention to infants, tod-
9 dlers, and preschool age children with devel-
10 opmental disabilities. Such training projects
11 shall include instruction on family-centered,
12 community-based, coordinated care for infants,
13 toddlers, and preschool age children with devel-
14 opmental disabilities and their families.
15 "(B) AGING.—Grants under this sub-
16 section for training projects with respect to
17 aging and developmental disabilities shall be for
18 the purpose of supporting the planning, design,
19 and implementation of coordinated interdiscipli-
20 nary training programs between existing aging
21 or gerontological programs and university affili-
22 ated programs in order to prepare professional
23 staff to provide services for aging individuals
24 with developmental disabilities and their fami-
25 lies.

1 "(C) COMMUNITY SERVICES.—Grants
2 under this subsection for training projects with
3 respect to community services shall be for the
4 purpose of providing training that enhances di-
5 rect supports and services for individuals with
6 developmental disabilities, including training to
7 community members, families, individuals with
8 developmental disabilities, and community-
9 based direct service providers. The Secretary
10 shall ensure that all grants under this subpara-
11 graph are made only to university affiliated pro-
12 grams that involve community-level direct sup-
13 port services in the preparation of the applica-
14 tion for such grant and that assure that any
15 training under the university affiliated program
16 will be coordinated with local community serv-
17 ices and support systems and with State, local,
18 and regional governmental or private agencies
19 responsible for the planning or delivery of serv-
20 ices to individuals with developmental disabil-
21 ities.
22 "(D) POSITIVE BEHAVIORAL SUPPORTS.—
23 Grants awarded under this subsection for train-
24 ing projects with respect to positive behavioral
25 supports shall be for the purpose of assisting

1 university affiliated programs in providing
2 training to family members of individuals with
3 developmental disabilities and personnel in
4 methods of developing individual supports that
5 maximize opportunities for independence, pro-
6 ductivity, and integration and inclusion into the
7 community for individuals with developmental
8 disabilities and severe behavior problems. Such
9 training projects shall provide training to—
10 "(i) address ethical and legal prin-
11 ciples and standards, including the role of
12 personal values in designing assessments
13 and interventions;
14 "(ii) address appropriate assessment
15 approaches that examine the range of fac-
16 tors that contribute to problem behavior;
17 "(iii) address the development of a
18 comprehensive plan that considers the
19 needs and preferences of an individual with
20 a developmental disability;
21 "(iv) address the competence in the
22 types of skills training, environmental
23 modification, and incentive procedures that
24 encourage alternative behaviors;

1 "(v) familiarize training participants
2 with crisis intervention approaches and the
3 separate role of such approaches as short-
4 term emergency procedures;
5 "(vi) familiarize training participants
6 with medical interventions and how to
7 evaluate the effect of such interventions on
8 behavior; and
9 "(vii) address techniques for evaluat-
10 ing the outcomes of interventions.
11 "(E) ASSISTIVE TECHNOLOGY SERVICES.—
12 Grants under this subsection for training
13 projects with respect to assistive technology
14 services shall be for the purpose of assisting
15 university affiliated programs in providing
16 training to personnel who provide, or will pro-
17 vide, assistive technology services and devices to
18 individuals with developmental disabilities and
19 their families. Such projects may provide train-
20 ing and technical assistance to improve access
21 to assistive technology services for individuals
22 with developmental disabilities and may include
23 stipends and tuition assistance for training
24 project participants. Such projects shall be co-

1 ordinated with State technology coordinating
2 councils wherever such councils exist.
3 "(F) AMERICANS WITH DISABILITIES
4 ACT.—Grants under this subsection for training
5 projects with respect to the provisions of the
6 Americans with Disabilities Act of 1990 shall
7 be for the purpose of assisting university affili-
8 ated programs in providing training to person-
9 nel who provide, or will provide, services to indi-
10 viduals with developmental disabilities, and to
11 others concerned with individuals with devel-
12 opmental disabilities.
13 "(G) OTHER AREAS.—Grants under this
14 subsection for training projects with respect to
15 programs in other areas of national significance
16 shall be for the purpose of training personnel in
17 an area of special concern to the university af-
18 filiated program, and shall be developed in con-
19 sultation with the State Developmental Disabil-
20 ities Council.
21 "(4) COURSES, TRAINEESHIPS AND FELLOW-
22 SHIPS.—Grants under this subsection may be used
23 by university affiliated programs to—
24 "(A) assist in paying the costs of courses
25 of training or study for personnel to provide

1 services for individuals with developmental dis-
2 abilities and their families; and
3 "(B) establish fellowships or traineeships
4 providing such stipends and allowances as may
5 be determined by the Secretary.
6 "(5) PROHIBITED ACTIVITIES.—Grants award-
7 ed under this subsection shall not be used for ad-
8 ministrative expenses for the university affiliated
9 program under subsection (a).
10 "(6) CRITERIA.—Grants awarded under this
11 subsection shall meet the criteria described in sub-
12 paragraphs (A) and (B).
13 "(A) APPLICATION.—An application that
14 is submitted for a grant under this subsection
15 shall present evidence that training projects as-
16 sisted by funds awarded under this section
17 are—
18 "(i) competency and value based;
19 "(ii) designed to facilitate independ-
20 ence, productivity, and integration and in-
21 clusion for individuals with developmental
22 disabilities; and
23 "(iii) evaluated utilizing state-of-the-
24 art evaluation techniques in the pro-
25 grammatic areas selected.

1 "(B) GENERAL PROJECT REQUIRE-
2 MENTS.—Training projects under this sub-
3 section shall—
4 "(i) represent state-of-the-art tech-
5 niques in areas of critical shortage of per-
6 sonnel that are identified through consulta-
7 tion with the consumer advisory committee
8 described in section 153(d) and the State
9 Developmental Disabilities Council;
10 "(ii) be conducted in consultation with
11 the consumer advisory committee described
12 in section 153(d) and the State Devel-
13 opmental Disabilities Council;
14 "(iii) be integrated into the appro-
15 priate university affiliated program and
16 university curriculum;
17 "(iv) be integrated with relevant State
18 agencies in order to achieve an impact on
19 statewide personnel and service needs;
20 "(v) to the extent practical, be con-
21 ducted in environments where services are
22 actually delivered;
23 "(vi) to the extent possible, be inter-
24 disciplinary in nature; and

"(vii) to the extent possible, address the unique needs of individuals with developmental disabilities from ethnic, cultural, and linguistic minority backgrounds.";

(3) in subsection (c)—

(A) by striking "From amounts appropriated under section 154(b)" and inserting "SUPPLEMENTAL AWARDS.—From amounts appropriated under section 156(a)";

(B) in paragraph (1)—

(i) by striking "service-related training to persons" and inserting "interdisciplinary training, community training and technical assistance, community services, or dissemination of information to individuals";

(ii) by striking "integration into the community of persons with developmental disabilities" and inserting "integration and inclusion into the community of individuals with developmental disabilities and not otherwise specified in subsection (b)"; and

(iii) by striking "persons" each place such term appears and inserting "individuals";

1 (C) in paragraph (2)—

2 (i) by striking "(A) the" and inserting

3 "the";

4 (ii) by striking "persons" and insert-

5 ing "individuals";

6 (iii) by striking "(B) the" and insert-

7 ing "the"; and

8 (iv) by striking "parents" and insert-

9 ing "family members";

10 (4) by striking subsection (d);

11 (5) in subsection (e)—

12 (A) by striking "(e) From amounts appro-

13 priated under section 154(a)" and inserting

14 "(d) FEASIBILITY STUDIES.—From amounts

15 appropriated under section 156(a)"; and

16 (B) by striking "or a satellite center" each

17 place such term appears; and

18 (6) by striking subsections (f) and (g).

19 **SEC. 404. APPLICATIONS.**

20 (a) SECTION HEADING.—Section 153 (42 U.S.C.

21 6063) is amended—

22 (1) by striking "SEC. 153."; and

23 (2) in the section heading, by striking "APPLI-

24 CATIONS" and inserting the following:

1 **"SEC. 153. APPLICATIONS.".**

2 (b) APPLICATIONS.—Section 153 (42 U.S.C. 6063)
3 is amended—

4 (1) in subsection (a)—

5 (A) by striking "Not later than six" and
6 inserting: "STANDARDS.—Not later than 12";

7 (B) by striking "Act of 1984" and insert-
8 ing "Assistance and Bill of Rights Act Amend-
9 ments of 1993";

10 (C) by striking "persons" and inserting
11 "individuals"; and

12 (D) by striking "section 102(18)" and in-
13 serting "section 151";

14 (2) in subsection (b)—

15 (A) in the matter preceding paragraph (1),
16 by striking "No grants" and all that follows
17 through "Such an application" and inserting
18 "ASSURANCES.—The application under sub-
19 section (a)";

20 (B) in paragraph (1), by striking "grant
21 will" and all that follows through "level of such
22 funds;" and inserting the following: "grant
23 will—

24 "(A) not result in any decrease in the use
25 of State, local, and other non-Federal funds for
26 services for individuals with developmental dis-

1 abilities and for training of individuals to pro-
2 vide such services, which funds would (except
3 for such grant) be made available to the appli-
4 cant; and
5 "(B) be used to supplement and, to the ex-
6 tent practicable, increase the level of such
7 funds;";
8 (C) in paragraph (2), by striking "sub-
9 section (a)" each place such term appears and
10 inserting "subsection (b)";
11 (D) in paragraph (3)—
12 (i) by striking "persons" each place
13 such term appears and inserting "individ-
14 uals";
15 (ii) by striking "treatment, services,
16 or habilitation" and inserting "services";
17 and
18 (iii) by striking "the developmentally
19 disabled" and inserting "individuals with
20 developmental disabilities"; and
21 (E) in paragraph (5)—
22 (i) by striking "Planning" and insert-
23 ing "Developmental Disabilities"; and
24 (ii) by striking "or the satellite center
25 is or will be located";

1 (3) by striking subsections (c) and (d);

2 (4) by redesignating subsections (a), (b), and

3 (e) as subsections (b), (c), and (f), respectively;

4 (5) by inserting after the section heading the

5 following new subsection:

6 "(a) IN GENERAL.—No grants may be made under

7 section 152(a) unless an application therefor is submitted

8 to, and approved by, the Secretary. Such an application

9 shall be submitted in such form and manner, and contain

10 such information, as the Secretary may require.";

11 (6) by inserting after subsection (c), as so re-

12 designated by paragraph (4), the following new sub-

13 sections:

14 "(d) CONSUMER ADVISORY COMMITTEE.—The Sec-

15 retary shall only make grants under section 152(a) to uni-

16 versity affiliated programs that establish a consumer advi-

17 sory committee comprised of individuals with developmen-

18 tal disabilities, family members of individuals with devel-

19 opmental disabilities, representatives of State protection

20 and advocacy systems, State developmental disabilities

21 councils (including State service agency directors), local

22 agencies, and private nonprofit groups concerned with pro-

23 viding services for individuals with developmental disabil-

24 ities, which may include representatives from parent train-

25 ing and information centers.

1 "(e) FEDERAL SHARE.—

2 "(1) IN GENERAL.—The Federal share of any
3 project to be provided through grants under this
4 part may not exceed 75 percent of the necessary cost
5 of such project, as determined by the Secretary, ex-
6 cept that if the project activities or products target
7 individuals with developmental disabilities who live
8 in an urban or rural poverty area, the Federal share
9 may not exceed 90 percent of the project's necessary
10 costs as so determined by the Secretary.

11 "(2) PROJECT EXPENDITURES.—For the pur-
12 pose of determining the Federal share with respect
13 to any project, expenditures on that project by a po-
14 litical subdivision of the State or by a public or pri-
15 vate entity shall, subject to such limitations and con-
16 ditions as the Secretary may by regulation prescribe,
17 be considered to be expenditures made by a univer-
18 sity affiliated program under this part.";

19 (7) in subsection (f), as so redesignated by
20 paragraph (4)—

21 (A) by striking "(f)(1) The Secretary" and
22 inserting the following:

23 "(f) PEER REVIEW.—

24 "(1) IN GENERAL.—The Secretary";

1 (B) in paragraph (1), by striking "Such
2 peer review" and all that follows through
3 "152(b)(1)(D)";
4 (C) in paragraph (2)—
5 (i) by striking "(2) Regulations" and
6 inserting the following:
7 "(2) REGULATIONS.—Regulations"; and
8 (ii) by striking "experience or train-
9 ing" and inserting "experience and train-
10 ing";
11 (D) in paragraph (3), to read as follows:
12 "(3) APPROVAL.—
13 "(A) IN GENERAL.—The Secretary may
14 approve an application under this part only if
15 such application has been recommended by a
16 peer review group that has conducted the peer
17 review required under paragraph (1).
18 "(B) APPLICABILITY.—This paragraph
19 shall apply to the approval of grant applications
20 received for fiscal year 1990 and succeeding fis-
21 cal years.";
22 (E) in paragraph (4)—
23 (i) by striking "(4) The Secretary"
24 and inserting the following:

1 "(4) ESTABLISHMENT OF PEER REVIEW
2 GROUPS.—The Secretary"; and
3 (ii) by realigning the margins of sub-
4 paragraphs (A) and (B) so as to align with
5 the margin of subparagraph (A) of para-
6 graph (3); and
7 (F) in paragraph (5), by striking "(5) The
8 Secretary" and inserting the following:
9 "(5) WAIVERS OF APPROVAL.—The Secretary";
10 and
11 (8) by adding at the end the following new sub-
12 section:
13 "(g) REVIEW BY OTHER FEDERAL AGENCIES.—The
14 Secretary shall establish such a process for the review of
15 applications for grants under section 152(a) as will en-
16 sure, to the maximum extent feasible, that each Federal
17 agency that provides funds for the direct support of the
18 applicant's program reviews the application.".
19 **SEC. 405. GRANT AWARDS.**
20 Section 154 (42 U.S.C. 6064) is amended to read as
21 follows:
22 **"SEC. 154. PRIORITY FOR GRANT AWARDS.**
23 "(a) IN GENERAL.—In awarding and distributing
24 grant funds under this part, the Secretary, subject to the
25 availability of appropriations, shall award and distribute

1 grant funds in accordance with the following order of
2 priorities:

3 "(1) EXISTING STATE UNIVERSITY AFFILIATED
4 PROGRAMS.—First priority shall be given, with re-
5 spect to the provision of grant awards under section
6 152(a) in the amount of $200,000, to an existing
7 State university affiliated program that meets the
8 requirements under section 153.

9 "(2) UNSERVED STATES.—Second priority shall
10 be given, with respect to the provision of grant
11 awards under section 152(a) in the amount of
12 $200,000, to a university or public or nonprofit en-
13 tity associated with a college or university that de-
14 sires to establish a university affiliated program in
15 a State that is unserved by a university affiliated
16 program as of the date of enactment of the Devel-
17 opmental Assistance and Bill of Rights Act Amend-
18 ments of 1993.

19 "(3) TRAINING PROJECTS IN ALL UNIVERSITY
20 AFFILIATED PROGRAMS.—Third priority shall be
21 given, with respect to the provision of grant awards,
22 to each university affiliated program that receives
23 funding under section 152(a) and that meets the eli-
24 gibility limitations under section 152(b) to the estab-

1 lishment of training projects under section 152(b) in
2 the amount of $90,000 in each such program.
3 "(4) INCREASED FUNDING FOR TRAINING
4 PROJECTS.—Fourth priority shall be given, with re-
5 spect to the provision of grant awards, to the provi-
6 sion of an increase in the amount of a training
7 project grant award under section 152(b) to
8 $100,000.
9 "(5) INCREASED FUNDING FOR UNIVERSITY AF-
10 FILIATED PROGRAMS.—Fifth priority shall be given,
11 with respect to the provision of grant awards, to the
12 provision of an increase in the amount of a univer-
13 sity affiliated program grant award under section
14 152(a) to $250,000.
15 "(6) ADDITIONAL TRAINING.—Sixth priority
16 shall be given, with respect to the provision of grant
17 awards, to an existing university affiliated program
18 in a State that is served by such program under sec-
19 tion 152(a) to provide additional training under sub-
20 section (b) or (c) of section 152 within such State
21 or other geographic regions, or to a university or
22 public or nonprofit entity associated with a college
23 or university that desires to establish another uni-
24 versity affiliated program within such State under
25 section 152(a). All applications submitted to the

1 Secretary for such grant awards shall document
2 plans for coordinating activities with an existing uni-
3 versity affiliated program in the State (if applicable)
4 and in consultation with the State Developmental
5 Disabilities Council.

6 "(b) ADDITIONAL PROGRAMS.—For purposes of
7 making grants under subsection (a)(6), the Secretary shall
8 consider applications for grants for university affiliated
9 programs—

10 "(1) for States that are currently underserved
11 by a university affiliated program; and

12 "(2) that are in addition to the total number of
13 university affiliated programs receiving grants under
14 this subsection for the preceding fiscal year.

15 "(c) SINGLE APPLICATION.—When every State is
16 served by a university affiliated program under section
17 152(a) in the amount of $200,000 and every such pro-
18 gram has been awarded a training grant under section
19 152(b) in the amount of $90,000, the Secretary may ac-
20 cept applications under such sections in a single applica-
21 tion.".

22 **SEC. 406. AUTHORIZATION OF APPROPRIATIONS AND DEFI-**
23 **NITION.**

24 Part D of title I (42 U.S.C. 151 et seq.) is amended
25 by adding at the end the following new sections:

1 **"SEC. 155. DEFINITION.**

2 "For purposes of this part, the term 'State' means
3 each of the several States of the United States, the Dis-
4 trict of Columbia, the Commonwealth of Puerto Rico, and
5 the United States Virgin Islands.

6 **"SEC. 156. AUTHORIZATION OF APPROPRIATIONS.**

7 "(a) IN GENERAL.—For the purpose of making
8 grants under subsections (a), (b), (c), and (d) of section
9 152, there are authorized to be appropriated $21,000,000
10 for fiscal year 1994, and such sums as may be necessary
11 for each of the fiscal years 1995 and 1996.

12 "(b) LIMITATION.—With respect to peer review or
13 other activities directly related to peer review, the Sec-
14 retary may not use—

15 "(1) for fiscal year 1994, more than $300,000
16 of the funds made available under subsection (a) for
17 such review or such other activities;

18 "(2) for any succeeding fiscal year, more than
19 the amount of the funds made availabe under para-
20 graph (1) adjusted to take into account the increase
21 in the Consumer Price Index for such fiscal year for
22 such review or such other activities.".

TITLE V—PROJECTS OF NATIONAL SIGNIFICANCE

SEC. 501. PART HEADING.

The heading of part E of title I of the Act is amended to read as follows:

"PART E—PROJECTS OF NATIONAL SIGNIFICANCE".

SEC. 502. PURPOSE.

Section 161 (42 U.S.C. 6081) is amended to read as follows:

"SEC. 161. PURPOSE.

"The purpose of this part is to provide for grants and contracts for projects of national significance that support the development of national and State policy to enhance the independence, productivity, and integration and inclusion of individuals with developmental disabilities through—

"(1) data collection and analysis;

"(2) technical assistance to enhance the quality of State Developmental Disabilities Councils, protection and advocacy systems, and university affiliated programs; and

"(3) other projects of sufficient size and scope that hold promise to expand or improve opportuni-

1 ties for individuals with developmental disabilities,
2 including—
3 "(A) technical assistance for the develop-
4 ment of information and referral systems;
5 "(B) educating policymakers;
6 "(C) Federal interagency initiatives;
7 "(D) the enhancement of minority partici-
8 pation in public and private sector initiatives in
9 developmental disabilities; and
10 "(E) special pilots and evaluation studies
11 to explore the expansion of programs under
12 part B to individuals with severe disabilities
13 other than developmental disabilities.".
14 **SEC. 503. GRANT AUTHORITY.**
15 (a) SECTION HEADING.—Section 162 (42 U.S.C.
16 6082) is amended—
17 (1) by striking "SEC. 162."; and
18 (2) in the section heading, by striking "GRANT
19 AUTHORITY" and inserting the following:
20 **"SEC. 162. GRANT AUTHORITY.".**
21 (b) AUTHORITY.—Section 162 (42 U.S.C. 6082) is
22 amended—
23 (1) in subsection (a), to read as follows:
24 "(a) IN GENERAL.—The Secretary—

1 "(1) shall make grants to and enter into con-
2 tracts with public or nonprofit private entities for
3 projects of national significance relating to individ-
4 uals with developmental disabilities to—
5 "(A) support ongoing data collection on ex-
6 penditures, residential services and employment,
7 and develop an ongoing data collection system,
8 including data collection on the accomplish-
9 ments of State Developmental Disabilities
10 Councils, protection and advocacy systems, and
11 university affiliated programs; and
12 "(B) provide technical assistance (includ-
13 ing research, training, and evaluation) that ex-
14 pands or improves the effectiveness of State
15 Developmental Disabilities Councils under part
16 B, protection and advocacy systems under part
17 C, and university affiliated programs under
18 part D, including the evaluation and assessment
19 of the quality of services provided to individuals
20 with developmental disabilities and other activi-
21 ties performed by programs under parts B, C,
22 and D; and
23 "(2) may make grants to and enter into con-
24 tracts with public or nonprofit private entities for
25 projects of national significance relating to individ-

1 uals with developmental disabilities to conduct other
2 nationally significant initiatives of sufficient size and
3 scope that hold promise of expanding or otherwise
4 improving opportunities for individuals with devel-
5 opmental disabilities, including—
6 "(A) conducting research and providing
7 technical assistance to assist States to develop
8 statewide, comprehensive information and refer-
9 ral and service coordination systems for individ-
10 uals with developmental disabilities and their
11 families and improve supportive living and qual-
12 ity of life opportunities that enhance recreation,
13 leisure, and fitness;
14 "(B) educating policymakers, including the
15 training of self-advocates and family members
16 of individuals with developmental disabilities;
17 "(C) pursuing Federal interagency initia-
18 tives that enhance the ability of Federal agen-
19 cies to address the needs of individuals with de-
20 velopmental disabilities and their families; and
21 "(D) expanding or otherwise improving op-
22 portunities for individuals with developmental
23 disabilities who are traditionally unserved or
24 underserved (including individuals of ethnic and
25 racial minority groups, and individuals from un-

1 derserved geographical areas) including projects
2 to encourage members of such groups to par-
3 ticipate in the Developmental Disabilities Pro-
4 grams authorized under parts B, C, and D, and
5 increase the involvement of students and profes-
6 sionals of such groups in the provision of serv-
7 ices to, supports to, and advocacy for, individ-
8 uals with developmental disabilities.";
9 (2) in subsection (b), to read as follows:
10 "(b) APPLICATION AND OTHER GRANT REQUIRE-
11 MENTS.—No grant may be made under subsection (a)
12 unless—
13 "(1) an application has been submitted to the
14 Secretary in such form, in such manner, and con-
15 taining such information as the Secretary shall by
16 regulation prescribe and such application has been
17 approved by the Secretary;
18 "(2) each State in which the applicant's project
19 will be conducted has a State plan approved under
20 section 122;
21 "(3) the application provides assurances that
22 the human rights of all individuals with developmen-
23 tal disabilities (especially those individuals without
24 familial protection) who are receiving services under
25 projects assisted under this part will be protected

1 consistent with section 110 (relating to the rights of
2 individuals with developmental disabilities); and
3 "(4) the Secretary provides to the State Devel-
4 opmental Disabilities Council in such State an op-
5 portunity to review the application for such project
6 and to submit its comments on the application.";
7 (3) in subsection (c), by striking "Not later"
8 and inserting "PRIORITIES FOR GRANTS.—Not
9 later";
10 (4) in subsection (d)—
11 (A) by striking "Payments under" and in-
12 serting "GRANT PAYMENTS.—Payments
13 under"; and
14 (B) by inserting before the period in the
15 second sentence ", except as otherwise provided
16 under section 163";
17 (5) by redesignating subsections (b), (c), and
18 (d) as subsections (c), (d), and (e), respectively;
19 (6) by inserting after subsection (a) the follow-
20 ing new subsection:
21 "(b) INVESTIGATIONS.—
22 "(1) IN GENERAL.—Not later than October 1,
23 1993, there shall be a special initiative to support
24 grants to investigate the expansion of part B activi-
25 ties to individuals with severe disabilities other than

1 developmental disabilities. Such investigations shall
2 be implemented through the following activities:
3 "(A) A national study of State Devel-
4 opmental Disabilities Councils that are cur-
5 rently mandated under State law or Executive
6 order to focus on individuals with disabilities
7 other than developmental disabilities. Such
8 study shall be completed not later than June
9 30, 1995.
10 "(B) Pilot initiatives by not more than five
11 additional State Developmental Disabilities
12 Councils, in consultation with and with the sup-
13 port of the protection and advocacy system and
14 the university affiliated program in such State,
15 to study the implications of such expansion in
16 States in which such Councils are located and
17 to delineate barriers, opportunities, and critical
18 issues. Such initiatives shall be completed not
19 later than January 1996.
20 "(C) A national study of the process and
21 outcomes of the pilot studies conducted under
22 subparagraph (B). Such study shall be com-
23 pleted not later than May 30, 1996.
24 "(2) APPLICATION.—No grant may be made
25 under this subsection unless an applicant submits to

1 the Secretary an application, and meets the addi-
2 tional application requirements, under subsection
3 (c)."; and
4 (7) by adding at the end thereof the following
5 new subsection:
6 "(f) LIST OF RECIPIENTS.—Not later than Septem-
7 ber 1 of each fiscal year, the Secretary shall publish in
8 the Federal Register a list of the recipients of grants and
9 contracts in each of the areas authorized in subsections
10 (a) and (b), including a brief description of the project,
11 and the amount of funds granted to each such project.
12 The amounts for such grants and contracts shall total the
13 amount appropriated under this part for such fiscal
14 year.".
15 **SEC. 504. AUTHORIZATION OF APPROPRIATIONS.**
16 (a) IN GENERAL.—Section 163(a) (42 U.S.C.
17 6083(a)) is amended—
18 (1) by striking "$3,650,000" and inserting
19 "$4,000,000";
20 (2) by striking "fiscal year 1991" and inserting
21 "fiscal year 1994"; and
22 (3) by striking "fiscal years 1992 and 1993"
23 and inserting "fiscal years 1995 and 1996".
24 (b) LIMITATIONS.—Section 163(b) (42 U.S.C.
25 6083(b)) is amended to read as follows:

1 "(b) LIMITATIONS.—

2 "(1) PROJECTS OF NATIONAL SIGNIFICANCE.—
3 At least 8 percent, but in no event less than
4 $300,000, of the amounts appropriated pursuant to
5 subsection (a) shall be used to carry out the provi-
6 sions of section 162(a)(1)(B).

7 "(2) INVESTIGATIONS.—

8 "(A) IN GENERAL.—The additional au-
9 thority to fund projects under section 162(b)
10 shall not be construed as requiring the Sec-
11 retary to supplant funding for other priorities
12 described in this part.

13 "(B) TIME LINE FOR FUNDING.—If
14 amounts are available to carry out subpara-
15 graphs (A), (B), and (C) of section 162(b)(1),
16 the Administration shall provide funding to
17 carry out such paragraphs not later than May
18 1 of the fiscal year in which such funds become
19 available.

20 "(3) PROGRAMMATIC REVIEWS OR OTHER AD-
21 MINISTRATIVE ACTIVITIES.—The Secretary may not
22 use the funds made available under subsection (a)
23 for programmatic reviews as prescribed by regula-
24 tion or other administrative activities under parts B,
25 C, and D.

1 "(4) TECHNICAL ASSISTANCE FOR PROTECTION
2 AND ADVOCACY SYSTEMS.—If technical assistance to
3 improve the effectiveness of protection and advocacy
4 systems under part C is provided under section
5 142(c)(5)—
6 "(A) no funding for the provision of such
7 technical assistance to protection and advocacy
8 systems shall be provided under this part; and
9 "(B) the amount set aside for technical as-
10 sistance under section 162(a)(1)(B) shall be
11 proportionally reduced.".

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